

May 9, 2013

**Sent via Electronic Mail**

Oscar C. Vazquez  
Environmental Engineering Specialist  
Department of Environmental Protection - Waste Management  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

Griff Miller  
LT, US Public Health Service, detailed to EPA  
Remedial Project Manager  
RCRA Corrective Action – 3LC30  
USEPA Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

**Re: Comprehensive Site Compliance Evaluation  
Former Lyondell Beaver Valley Site**

Dear Messrs. Vazquez and Miller:

On behalf of the Lyondell Environmental Custodial Trust (the "Custodial Trust"), ENVIRON International Corporation (ENVIRON) has prepared this letter summarizing the Comprehensive Site Compliance Evaluation (CSCE) conducted at the former Lyondell Chemical Company (Lyondell) Beaver Valley site (the "site") located in Monaca, Potter Township, Beaver County, Pennsylvania.

**Site Survey**

The extent of the site was verified by a professional surveyor based on the quitclaim deed and is depicted on Figure 1a. Figure 1b illustrates the areas of the site that are currently used by entities other than the Custodial Trust and identifies the current access points. Portions of the site are used by adjacent property owners NOVA Chemical (NOVA) and BASF Corporation (BASF), as well as a local power company. The historical areas of environmental concern the site boundary and approximate locations of the former disposal sites are illustrated on Figure 2.

**CSCE Scope of Work**

The September 12, 2012 Scope of Work approved by the United States Environmental Protection Agency (USEPA) included a CSCE as Task 5, which included the activities listed below:

- Inspection of the National Pollutant Discharge Elimination System (NPDES) permitted outfalls;
- Evaluation of the existing fencing, gates, and warning signs for areas requiring maintenance or replacement;
- Observation of the landfill covers for areas of erosion or other similar damage which might require maintenance;
- Inspection of the eroded bank of Poorhouse Run Creek and measurement of the exposed portion of the monitoring site, if present;
- Evaluation of adequacy of site vegetative cover and documentation of stressed vegetation;

- Evaluation of site roads for any necessary maintenance and access issues;
- Evaluation of accessibility, presence, and condition of the existing monitoring wells identified by USEPA for groundwater monitoring; and
- Evaluation of ability to use upstream public boat ramp and site bridges for future surface water sampling.

The CSCE was conducted on December 18 and 19, 2012 by Lisa Krogman and Brian Winter of ENVIRON. A photograph log of the CSCE is included as Attachment 1. Details of the results for the various activities, listed above, are included in the following sections.

### **NPDES Permitted Outfalls**

The NPDES permitted outfalls were located during the CSCE and their locations were recorded with a handheld Global Positioning System (GPS). The outfall locations are shown on Figure 3 and their condition is shown in Photographs 17, 18, 20 and 21 in Attachment 1.

Flow was present at Outfall 024 during the CSCE as shown in Photographs 17 and 18. Samples of the discharge from Outfall 024 were obtained on March 21 and December 11, 2012, and were analyzed for Appendix J and Appendix C parameters, respectively, at the request of the Pennsylvania Department of Environmental Protection (PADEP). The analytical results from those sampling events were provided to the PADEP under separate cover in support of the Notice of Intent (NOI) for a new NPDES permit.

No flow was observed from Outfall 023 during the CSCE or during either of the sampling events on March 21 or December 11, 2012. As shown on Photographs 20 and 21, Outfall 023 is a metal culvert that collects water from a ditch along the railroad tracks south of the West Landfill and routes the water under the NOVA entrance road to the west. Although no flow has been observed by ENVIRON to date, it would appear that any discharge from Outfall 023 would primarily represent surface water runoff from the adjacent railroad tracks and only the steeply sloped southern boundary of the West Landfill.

A NPDES permit was issued for both Outfalls with an effective date of February 22, 2013. A copy of the permit is provided in Attachment 2. In accordance with the Preparedness, Prevention and Contingency plan required by the new NPDES permit, annual CSCEs must be conducted and reported using the Annual Inspection Form. The new NPDES permit requires collection and analysis for Appendix C (Landfill Disposal Units, Incinerators, and BIFs) parameters semi-annually from both Outfalls. Given that the Trust does not operate on the site, long-term compliance with the requirement to sample within 30 minutes (or even one hour with a discharge waiver) of a representative rain event may prove difficult. Automatic samplers should be considered if the NPDES permit is anticipated to be required for the foreseeable future.

An additional discharge from the site to Raccoon Creek was identified at the southern end of the Raccoon Creek area as shown in Photograph 11. Based on the direction of the piping, it is possible that the discharge is from the BASF Corporation property. The source of this discharge should be verified.

### **Fencing, Gates, and Signage**

During the CSCE, ENVIRON inspected the fencing, gates and signage present at the site.

The fencing present at the site and the entities that have responsibility for maintenance of the fencing are illustrated on Figure 4a. Various areas of damaged fencing were observed along Poorhouse Run on the northern boundary of the East Landfill as shown on Figure 4b. During multiple interviews with NOVA employees in 2012, they mentioned that trespassers have gained access to their property through the damaged fencing in this area. There are many large trees that have fallen into the fence that will have to be cleared and the fence repaired. A large section of fence (approximately 150 feet) has been severely damaged by the erosion of Poorhouse Run. ENVIRON proposes an alternate path for the fence that goes

around the eroded embankment as shown on Figure 5. The proposed path can be safely accessed by a fencing contractor and is unlikely to be affected by future erosion. The total length of new fence required to maintain security along Poorhouse Run is 1,045 feet.

Sparse ARCO Chemical and NOVA signage is present along most of the fenced site boundaries. An example of the most legible signage present (along Raccoon Creek) is shown on Photograph 10. In most locations, the signage is very old and faded. There is no signage present around the West Landfill and the signage along Poorhouse Run is completely weathered and illegible. Approximately 21 additional signs are necessary to adequately identify the property in the approximate locations shown on Figure 4a.

No fencing or signage is present around the portions of the West Landfill that abut the NOVA property. A portion of the West Landfill area is actually used by NOVA for a parking lot and roadway (see Figure 1b). The additional signage proposed above includes five signs on posts around the west and north ends of the former disposal area within the West Landfill area to minimize trespassing by NOVA employees.

NOVA controls general access to the site through their East and West gates. However, there are gates in the Raccoon Creek (Photograph 12) and Phthalic Anhydride (Photograph 22) areas that are the responsibility of the Custodial Trust. Currently, the gate in the Raccoon Creek area is buried and only opens approximately six inches. The Raccoon Creek gate also requires a new lock once it is repaired to open fully. The Phthalic Anhydride area gates are in fair condition, but the locks should be changed to maintain site security.

#### **Landfill Cover Condition**

No significant changes to the landfill covers were noted during the CSCE when compared with historical aerial photos and inspection reports. A depression near the northwest corner of the East Landfill was observed (Photograph 9), but has been present since at least 1993 based on aerial photos. Therefore, it is unlikely to be an indication of landfill subsidence. Even during the winter months, the landfill caps are covered in thick vegetation, such that the actual surface could not be inspected over much of the cap. Site mowing and clearing would have to be conducted in order to verify the cap condition and identify any penetrations, such as animal burrows.

#### **Poorhouse Run Erosion**

ENVIRON also inspected the eroded embankment along Poorhouse Run. Current photographs of the embankment are included as Photographs 4 and 5, and the horizontal extent of the eroded area is shown on Figure 5. Significant flow was present in Poorhouse Run during the CSCE, so the stream channel itself could not be inspected. ENVIRON also could not locate any of the toe or bank pins reportedly installed by CH2M HILL as described in the September 2, 2008 *Beaver Valley East Landfill Evaluation* (the "2008 report"). However, no significant additional erosion is apparent when comparing the photographs from 2008 and 2012. In addition, the visible soil along the vertical face of the embankment consisted of sands and gravels consistent with the 2008 inspection and indicative of native soils. According to the 2008 report, the eroded embankment was located approximately 150 feet from the estimated limit of the landfill cover and is approximately 230 feet from the closest known disposal area. Based on the comparison of 2008 to current conditions, the eroded embankment has not impacted the East Landfill.

ENVIRON recommends that the erosion is regularly monitored to confirm that erosion is not threatening the landfill. Permanent monitoring points could be installed along the cross-section of Poorhouse Run to quantitatively evaluate erosion over time. The area could also be evaluated for bank stabilization to mitigate additional erosion.

#### **Vegetative Cover Condition**

Areas of limited vegetation are present in various areas of the East Landfill area, east of the former disposal area. An example of the mossy vegetation present in these areas is shown on Photograph 6.

One of these mossy areas was identified and evaluated by CH2M HILL in the 2008 report. CH2M HILL evaluated the soil, such as nutrient content and physical conditions that could result in the limited vegetation. The results of their soil analyses show that concentrations of zinc were present in the surficial soil in the mossy area and nearby forest at concentrations as high as 999 parts per million (ppm). ENVIRON has observed similar moss at other sites with high zinc concentrations in surficial soils. According to the June 2003 *Environmental Indicator Report* prepared by Foster Wheeler Environmental Corporation, concentrations of zinc were identified throughout the East Landfill area at concentrations ranging from 25 to 6,400 ppm. Based on the historical concentrations, the presence of the mossy vegetated areas does not represent a recent change to the landfill cover condition. More likely, the moss is present in areas where the concentrations of zinc are high or there is a more recent depositional source of zinc in the area.

### **Site Road Condition**

NOVA maintains the roads that provide access to the West Landfill and the main road within the East Landfill area that leads to their Pump Station on the Ohio River. The utility company that operates the substation within the East Landfill area maintains a road that continues from NOVA's East Landfill road to the northeast corner of the East Landfill area. These roads are made of gravel and are in fair to good condition. The location of the gravel roads are shown on Figure 1b.

Secondary roads off of the gravel roads in the East Landfill area are identified on historical maps, but are now covered by varying levels of vegetation. The secondary roads are also shown as dashed lines on Figure 1b. An unmaintained road is present off the gravel road down the steep slope to the west into the Raccoon Creek area. The road was visible in December, but may not be visible during the spring, summer and fall due to increased vegetation. A clearing is also present from the gravel road south along the BASF fenceline to the Phthalic Anhydride area, but again may not be visible during the growing season. ENVIRON was only able to access the eastern half of the East Landfill area on foot. The access required for the fence repairs and replacement discussed previously will require mowing and clearing of historical roads/paths in that area in addition to the use of a 4WD vehicle.

Access to the western half of the West Landfill area (the Dravo Quarry area) is no longer possible from the NOVA property. NOVA eliminated the historical west gate to improve security around 2002. Access to the highland areas is possible on foot, but is limited due to the presence of significant vegetation and ponding. The adjacent property owner, PF Technologies, Inc., maintains an access road that leads to the lowland areas of the Dravo Quarry area. ENVIRON spoke with PF Technologies and was able to access the site via the access road during the CSCE.

### **Monitoring Well Evaluation**

During the CSCE, ENVIRON attempted to locate the monitoring wells identified by USEPA for potential future sampling and other monitoring wells documented in historical reports. If a monitoring well was located, the well was opened and the water level and depth to bottom was measured from the top of casing using a water level meter. All of the located monitoring wells had soft bottoms indicative of accumulation of sediment within the wells. A summary of the monitoring wells that were located is provided in Table 1 below.



**Table 1. Monitoring Wells Located during the CSCE**

Area	Monitoring Wells Located	Depth to Water (feet)	Approximate Total Depth (feet)	Notes
East Landfill	EL-6	82.86	94.50	
	EL-7	47.37	62.30	
	EL-8	84.13	94.00	
Raccoon Creek	MW 163S	7.80	33.85	
	MW 159	25.70	54.4	
	MW 161	-	-	Well cap stuck
	MW 502	19.00	19.20	Short stickup
		-	3.50	Tall stickup
	MW 501D	18.20	74.48	Tall stickup
	MW 501S	18.13	42.46	Short stickup
	MW 162	22.87	41.20	
	MW 120	26.15	44.80	
West Landfill / Dravo Quarry	MW150	17.73	47.30	
	MW 50A	-	-	Inaccessible – see Photograph 21
	MW 50B	-	-	Inaccessible – see Photograph 21

The coordinates of the located wells were also obtained using a handheld GPS unit and their locations are plotted on Figure 3. Since these monitoring wells have not been sampled for 10 years or more, redevelopment of the wells will be necessary prior to any future groundwater sampling. If chosen for future sampling, repair of MW 161 will be necessary since the well cap was stuck in place during the CSCE. The slope in the area of MW 50A and MW 50B has severely eroded and access to the monitoring wells for sampling is not feasible, as shown on Photograph 23.

The monitoring wells identified by USEPA that are listed in Table 2, below, could not be located by ENVIRON during the CSCE:

<b>Table 2. USEPA-Requested Monitoring Wells not Located during the CSCE</b>		
Area	Monitoring Wells Not Located	Notes
East Landfill	EL-13	Abandoned on 12/29/1999
	MW-4	Abandoned on 12/29/1999
West Landfill / Dravo Quarry	MW 47	May be located under eroded soil
	MW 48	May be located under eroded soil
	MW 49	May be located under eroded soil

As shown in the table above, two of the wells USEPA originally identified for sampling near the northwest corner of the East Landfill area were abandoned in 1999. ENVIRON investigated the presence of other nearby wells that could potentially be used for future groundwater monitoring, but all monitoring wells in the East Landfill area other than EL-6, EL-7, and EL-8 have been abandoned. Access to two low-lying areas along the northern boundary of the East Landfill is possible via secondary access roads if new monitoring wells are deemed necessary in those areas.

The three wells historically located within the West Landfill/Dravo Quarry area were also not observed during the CSCE. As discussed previously, access to this area is possible through the PF Technologies, Inc. property if new monitoring wells are deemed necessary in that area.

### Surface Water Access Evaluation

ENVIRON located a concrete pad assumed to historically have been used as a boat launch within the site along Raccoon Creek. Given the condition of the concrete pad in combination with the condition of the access road to the Raccoon Creek area discussed previously, ENVIRON does not recommend use of the boat launch. Tom DuPlessis of NOVA indicated that historically NOVA owned a rescue boat and assisted Lyondell with surface water sampling events, but NOVA no longer owns the boat. A well-maintained, private boat launch is present just upstream of State Route 18 along Raccoon Creek. ENVIRON contacted the owner of the boat launch, St. Joe Boat Club, Inc., and access can be granted for a minimal fee.

### Conclusions

As a result of the NPDES permit issued in February 2013, activities required for compliance with the permit must be conducted in 2013. These activities include semi-annual sampling at Outfalls 023 and 024, preparation and submittal of DMRs and an annual site inspection. As noted previously, automated samplers at each NPDES outfall should be considered to ensure long-term compliance with the NPDES permit requirements since the Custodial Trust does not actively operate on the site. In addition, the source of the observed discharge to Raccoon Creek should also be investigated.

To ensure site security, repairs and/or replacement of damaged site fencing/gates, installation of adequate signage, and replacement of gate locks should be performed as soon as possible. An erosion monitoring plan or site stabilization evaluation should also be considered for the eroded portion of Poorhouse Run.

Access to the site monitoring wells listed in Table 1 and Raccoon Creek for groundwater and surface water sampling, respectively, is feasible should additional sampling be deemed necessary. Site mowing and secondary road maintenance will be necessary to perform any site sampling, monitoring well installation, or inspection activities during the growing season in 2013.


These conclusions will be discussed with the Custodial Trust, PADEP and USEPA to prepare the 2013 scope of work and budget.

Regards,

ENVIRON International Corporation



Mark A. Travers  
Principal



Lisa D. Krogman  
Senior Manager

cc: Lyondell Environmental Custodial Trust

Attachments

## Figures



L:\Loop Project Files\00\_CAD FILES\21\LePat XXIII\_Lyndal\2013 Bvr Vily Rem 21-32117R01a\_Trust-Owned Property.dwg



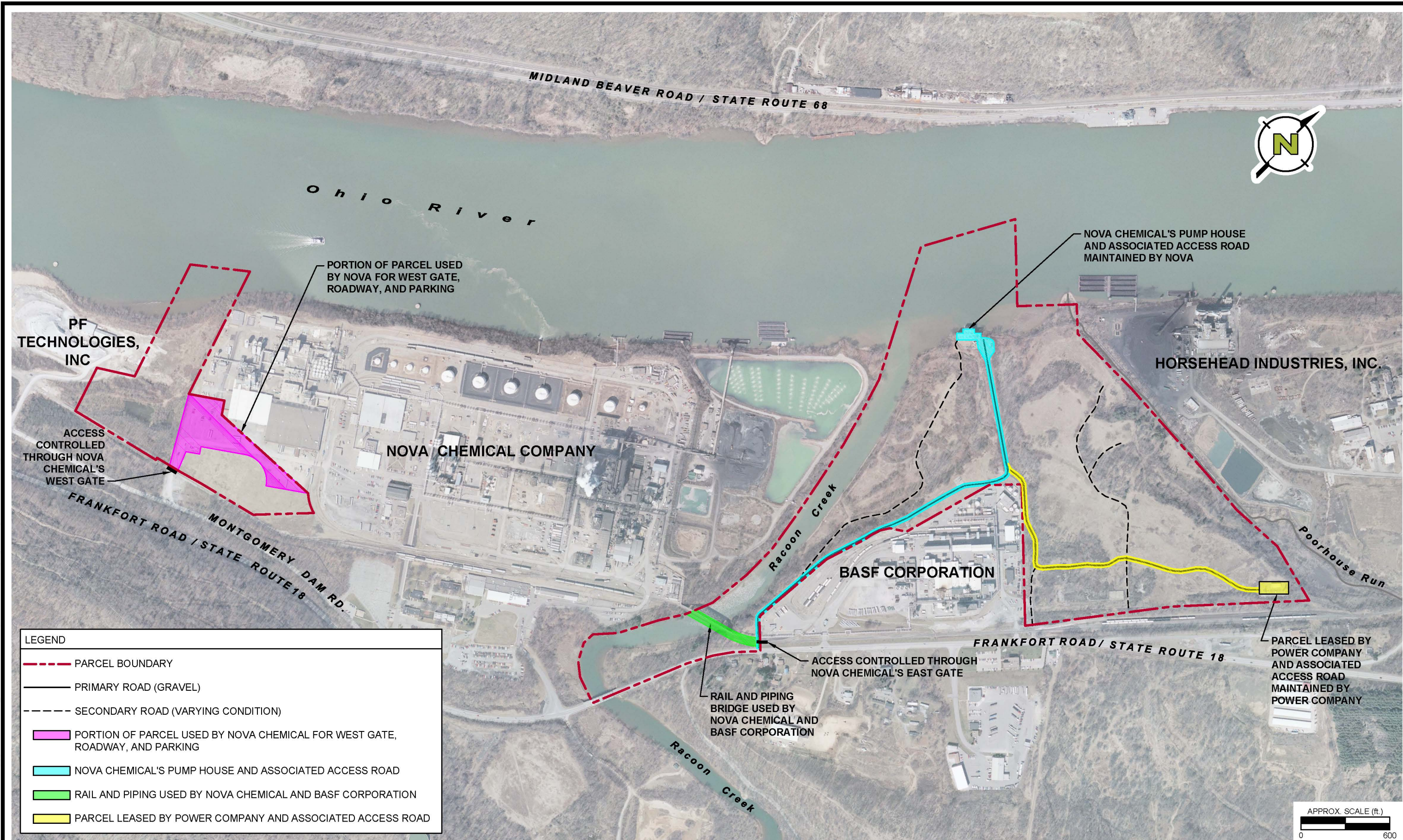
LEGEND	
	PARCEL BOUNDARY
	PRIMARY ROAD (GRAVEL)
	SECONDARY ROAD (VARYING CONDITION)

APPROX. SCALE (ft.)

0 600



L:\Loop Project Files\00\_CAD FILES\2117R\2117R01b\_Bvr Villy Rem 21-32117R01b\_Trust-Owned Property used by Other Parties.dwg



LEGEND

PARCEL BOUNDARY

PRIMARY ROAD (GRAVEL)

SECONDARY ROAD (VARYING CONDITION)

PORTION OF PARCEL USED BY NOVA CHEMICAL FOR WEST GATE, ROADWAY, AND PARKING

NOVA CHEMICAL'S PUMP HOUSE AND ASSOCIATED ACCESS ROAD

RAIL AND PIPING USED BY NOVA CHEMICAL AND BASF CORPORATION

PARCEL LEASED BY POWER COMPANY AND ASSOCIATED ACCESS ROAD

AERIAL PHOTOGRAPH PROVIDED BY SURVEYOR.



DRAFTED BY: ELS/CKN      DATE: 2/26/13

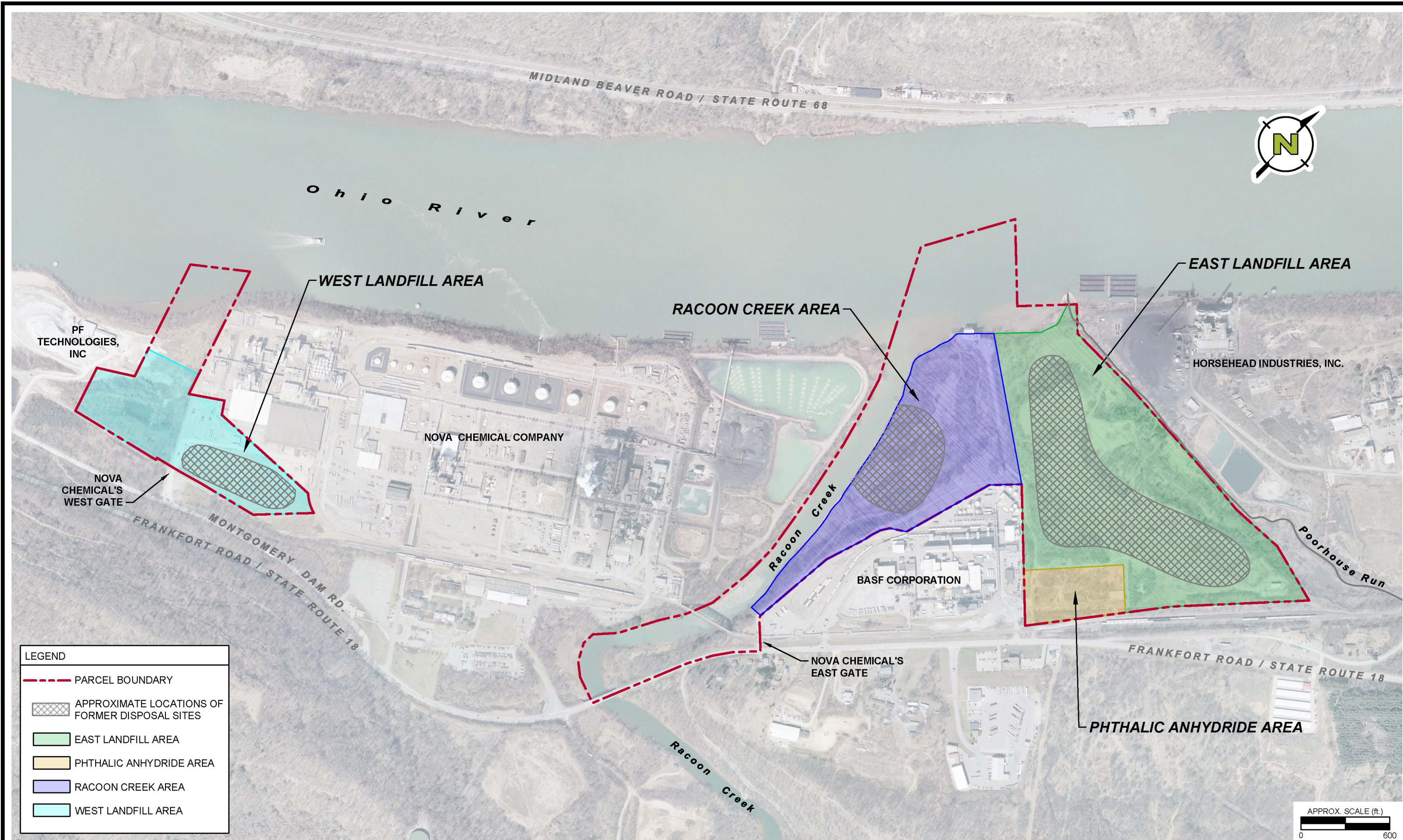
TRUST-OWNED PROPERTY USED BY OTHER PARTIES  
BEAVER VALLEY, PENNSYLVANIA

FIGURE  
1b

21-32117R LBV50



L:\Loop Project Files\00\_CAD FILES\21LePat XXIII\_Lyndl\2013 Bvr Vily Rem 21-32117R02\_Historical Areas of Concern.dwg



AERIAL PHOTOGRAPH PROVIDED BY SURVEYOR.



# HISTORICAL AREA OF CONCERN BEAVER VALLEY, PENNSYLVANIA

FIGURE  
2

DRAFTED BY: ELS

DATE: 3/6/13

21-29824R LBV##



L:\Loop Project Files\00\_CAD FILES\21\LePat XXIII\_Lyrid\2013 Bvr Vily Rem 21-32117R03\_Outfall and MW locs.dwg



**LEGEND**

- PARCEL BOUNDARY
- APPROXIMATE LOCATION OF FORMER DISPOSAL SITES
- EAST LANDFILL AREA
- PTHALIC ANHYDRIDE AREA
- RACCOON CREEK AREA
- WEST LANDFILL AREA
- MONITORING WELL
- NPDES OUTFALL
- MONITORING WELL MAY BE PRESENT BENEATH ERODED SOIL

AERIAL PHOTOGRAPH PROVIDED BY SURVEYOR.



DRAFTED BY: ELS      DATE: 3/6/13

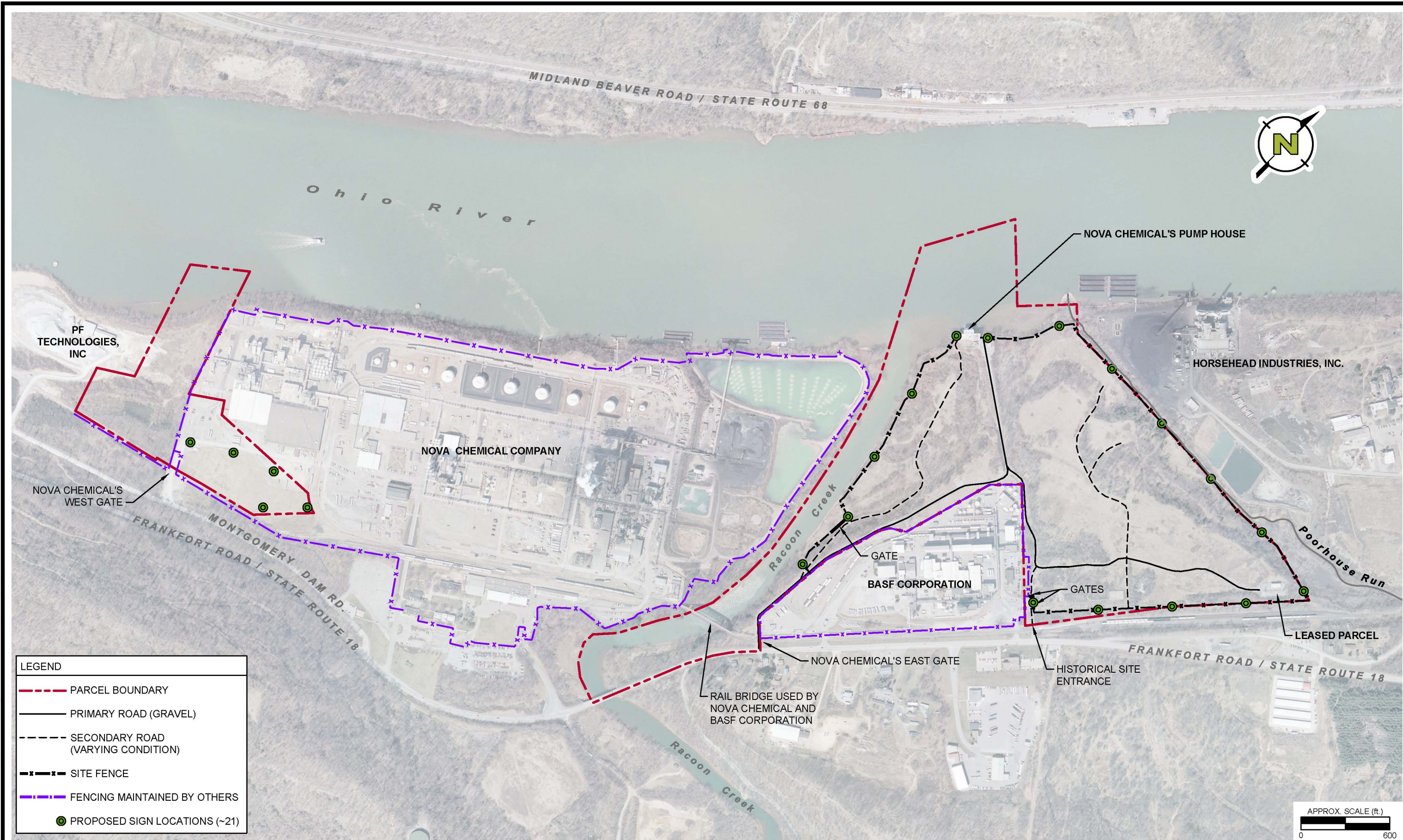
**OUTFALL AND MONITORING WELL LOCATIONS  
BEAVER VALLEY, PENNSYLVANIA**

**FIGURE  
3**

21-29824R LBW/##



L:\Loop Project Files\00\_CAD FILES\211LePet XXIII\_Lyndi\2013 Bvr Villy Rem 21-32117R04ab\_Fencing.dwg



AERIAL PHOTOGRAPH PROVIDED BY SURVEYOR.



DRAFTED BY: ELS

DATE: 3/6/13

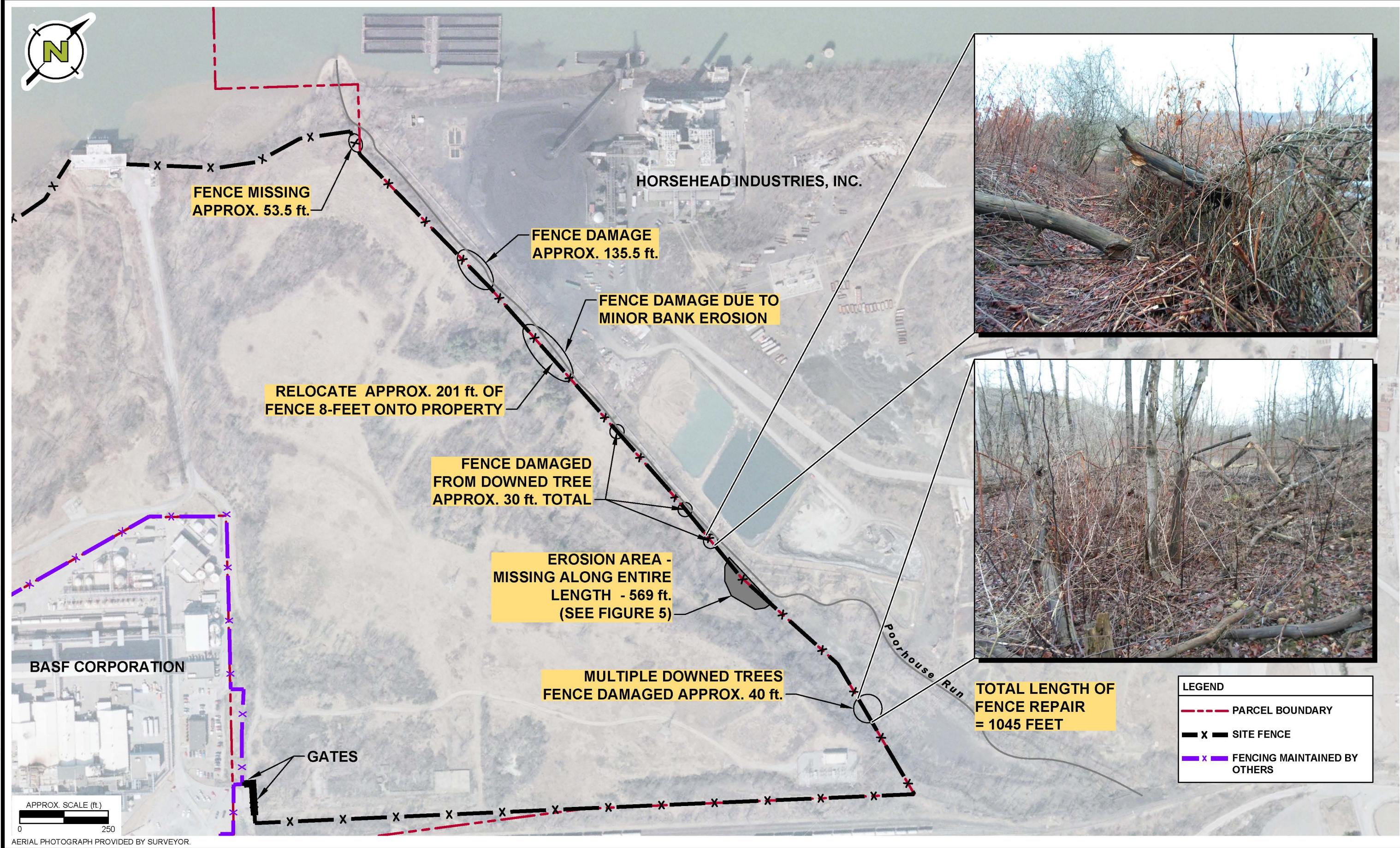
## SECURITY EVALUATION BEAVER VALLEY, PENNSYLVANIA

FIGURE  
4a

21-29824R LBV##



L:\Loop Project Files\21-LePet XXIII\_Lyndal\2013 Bvr Villy Rem 21-32117R04ab\_Fencing.dwg



BASF CORPORATION

HORSEHEAD INDUSTRIES, INC.

Poorhouse Run

APPROX. SCALE (ft.)  
0 250

AERIAL PHOTOGRAPH PROVIDED BY SURVEYOR.

LEGEND	
<span style="color: red;">---</span>	PARCEL BOUNDARY
<span style="color: black;">— x —</span>	SITE FENCE
<span style="color: purple;">— x —</span>	FENCING MAINTAINED BY OTHERS



# FENCE DAMAGE BEAVER VALLEY, PENNSYLVANIA

FIGURE  
4b

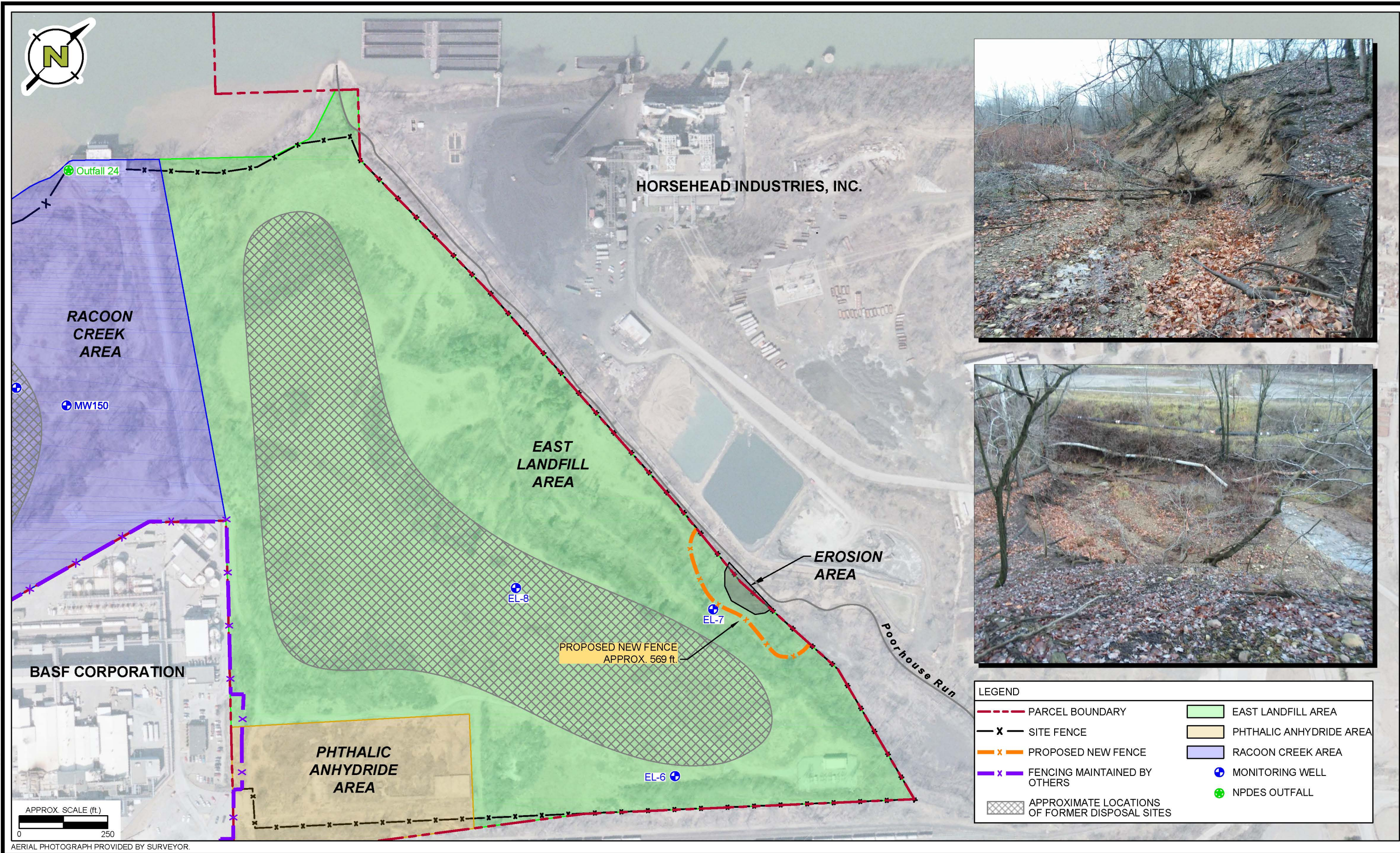
DRAFTED BY: ELS/CKN

DATE: 3/6/13

21-29824R LBV50



L:\Loop Project Files\00\_CAD FILES\21\LePat XXIII\_Lyndell2013 Bvr Villy Rem 21-32117R05\_Bank Erosion Detail.dwg



DRAFTED BY: CKN

DATE: 3/6/13

### BANK EROSION DETAIL BEAVER VALLEY, PENNSYLVANIA

FIGURE  
5

21-29824R LBV50



## **Attachment 1**

### **Site Photographs**



**Photo 1:** East Landfill Area - Monitoring Well EL-6



**Photo 2:** East Landfill Area - Monitoring Well EL-8





**Photo 3:** East Landfill Area - Monitoring Well EL-7



**Photo 4:** East Landfill Area - Eroded Bank of Poorhouse Run





**Photo 5:** East Landfill Area - Eroded Bank of Poorhouse Run



**Photo 6:** East Landfill Area – Mossy Area Upgradient of Eroded Bank of Poorhouse Run





**Photo 7:** East Landfill Area – Fence Damage Looking North Along Eroded Bank of Poorhouse Run



**Photo 8:** East Landfill Area – Typical Fence Damage Along Poorhouse Run





**Photo 9:** East Landfill Area – Depressed Area Near Substation



**Photo 10:** Raccoon Creek Area – Typical Signage Present Along Bank of Raccoon Creek





**Photo 11:** Raccoon Creek Area – Outfall Identified at Southwest Corner of Raccoon Creek Area



**Photo 12:** Raccoon Creek Area – Monitoring Well MW 163S and Damaged Entrance Gate





**Photo 13:** Raccoon Creek Area – Monitoring Well MW 159



**Photo 14:** Raccoon Creek Area – Monitoring Well MW 120





**Photo 15:** Raccoon Creek Area – Monitoring Wells MW 501S/D and MW 502



**Photo 16:** Raccoon Creek Area – Monitoring Well MW 162S





**Photo 17:** NPDES Outfall 024



**Photo 18:** NPDES Outfall 024 Discharge Towards the Ohio River





**Photo 19:** West Landfill Area Looking East



**Photo 20:** NPDES Outfall 023





**Photo 21:** Upgradient End of Culvert Draining to NPDES Outfall 023



**Photo 22:** Phthalic Anhydride Area – Gates to Historical Site Entrance





**Photo 23:** Dravo Quarry Area – Monitoring Wells MW 50A and MW 50B

## **Attachment 2**

### **NPDES Permit**





# pennsylvania

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Southwest Regional Office



FEB 22 2013

Lyondell Environmental Custodial Trust  
35 East Wacker Drive Suite 1550  
Chicago, IL 60601

Re: PAG-03 General Permit Approval  
Former Lyondell Chemicals Company Beaver Valley Plant  
NPDES Permit No. PAR236135  
Authorization ID No. 914848  
Potter Township, Beaver County

Dear Permittee:

The Department of Environmental Protection (DEP) has reviewed your Notice of Intent (NOI) to operate under the PAG-03 General NPDES Permit and has determined that you are eligible for coverage under the statewide General Permit. Your permit is enclosed.

Please study the General Permit carefully and direct any questions you have to this office. Particular attention should be devoted to Part A (Effluent Limitations, Self-Monitoring and Reporting Requirements) and the monitoring requirements applicable to your facility in **Appendix C** of the permit. A "master" copy of the Discharge Monitoring Report (DMR) form is enclosed and should be reproduced for ongoing submissions to DEP.

Please note that when performing analysis of your future stormwater samples that a lower detection level is needed for the following constituents:

Cadmium – the detection level should be less than 0.0021 mg/l  
Lead – the detection level should be less than 0.082 mg/l  
Selenium – the detection level should be less than 0.005 mg/l  
Silver – the detection level should be less than 0.0038 mg/l

This will allow the Department to evaluate the levels of these pollutants contained in the discharges from this facility.

Also enclosed is the Annual Inspection Form (3800-PM-WSFR0083v), which must be completed in accordance with Part C 3.c (Comprehensive Site Compliance Evaluations and Recordkeeping) of the General Permit. The Form must be submitted to DEP on an annual basis for Appendix J facilities and retained on-site for all other facilities.

The statewide General Permit expires on December 4, 2015. **Your coverage under the General Permit expires on the date identified on page 1 of the permit. A renewal application must be submitted to this office 180 days prior to the coverage expiration date, if a discharge is expected to continue past the expiration date of permit coverage.** When the statewide General Permit is renewed, the permit will be published in the Pennsylvania Bulletin. Following publication of the final renewed General Permit, you must comply with the terms and conditions of the renewed General Permit or otherwise submit an application for an individual NPDES permit.

Please complete the enclosed Laboratory Accreditation Form and submit it with your initial DMR. You are not required to submit this Form again during the remainder of the permit term unless a change is made to the laboratory or methods used to analyze parameters in your permit.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

Lyondell Environmental  
Custodial Trust

- 3 -

If you have any questions, please contact Mark Okrutny at 412.442.4049.

Sincerely,

A handwritten signature in cursive script that reads "Samuel C. Harper" with "(Stm)" written below it.

Samuel C. Harper  
Program Manager  
Clean Water Program

Enclosures

cc: Mr. Mark Travers - ENVIRON ✓  
Regional  
A. Schmidt  
Central



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**PAG-03**  
**AUTHORIZATION TO DISCHARGE UNDER THE**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**GENERAL PERMIT FOR DISCHARGES OF**  
**STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

**NPDES PERMIT NO: PAR236135**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**Lyondell Environmental Custodial Trust**  
**35 East Wacker Drive Suite 1550**  
**Chicago, IL 60601**

is authorized to discharge stormwater from a facility located at:

**Potter Township, Beaver County**

to receiving water(s) named:

**Ohio River in Watershed(s) 20-B**

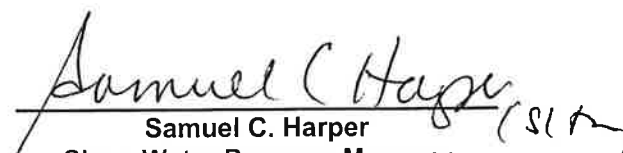
This authorization is subject to effluent limitations, Best Management Practices (BMPs), monitoring and reporting requirements and other terms, conditions, criteria and special requirements for the discharge of stormwater from point sources composed entirely of stormwater associated, in whole or in part, with industrial activity, as described in this General Permit, to surface waters of the Commonwealth, including to municipal separate storm sewers and nonmunicipal separate storm sewers.

Authorizations under the previous PAG-03 replaced by this General Permit are automatically continued under this General Permit for the remaining duration of the previously approved coverage. If the permittee is unable to comply with the terms of this General Permit, the permittee must submit an application for an individual permit within 90 days of publication of this final General Permit.

All monitoring requirements and BMPs specified in Appendix C on page no(s) C-1 through C-2 of this General Permit apply to this discharge. The enclosed discharge monitoring report(s) (DMRs) must be submitted as required under Part A.3. of this General Permit and kept on-site as specified in this General Permit.

**APPROVAL FOR COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT SHALL COMMENCE**  
**FEB 22 2013, AND SHALL EXPIRE AT MIDNIGHT FEB 21 2018, UNLESS EXTENDED IN**  
**WRITING BY DEP. IF THE GENERAL PERMIT IS RENEWED, REISSUED OR MODIFIED DURING THE TIME OF**  
**COVERAGE, THE FACILITY OR ACTIVITY COVERED BY THE APPROVAL FOR COVERAGE MUST COMPLY WITH**  
**THE FINAL RENEWED, REISSUED OR MODIFIED GENERAL PERMIT.**

The aforementioned approval is authorized by:

  
**Samuel C. Harper**  
**Clean Water Program Manager**  
**Southwest Regional Office**  
**Department of Environmental Protection**



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**PAG-03**  
**AUTHORIZATION TO DISCHARGE UNDER THE**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**GENERAL PERMIT FOR DISCHARGES OF**  
**STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

In compliance with the provisions of the Clean Water Act, 33 U.S.C.A. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, DEP hereby authorizes eligible dischargers of stormwater from (1) all industrial activities identified in 40 CFR 122.26(b)(14) except construction, (2) all petroleum marketing terminals and (3) exposed salt storage and distribution piles, to submit an application and obtain an NPDES permit to discharge stormwater into waters of the Commonwealth of Pennsylvania. The authorization to discharge stormwater under this General Permit shall only be valid for eligible discharges for which an administratively complete and acceptable Notice of Intent (NOI) has been submitted to DEP on the prescribed application forms.

The authorization is subject to the Best Management Practices (BMPs), effluent limitations, terms, conditions, criteria and, if applicable, special requirements contained herein. The authorization is for the discharge of stormwater from point sources composed entirely of stormwater and such non-stormwater discharges as are authorized in Part C. 1.a.(2) of this General Permit to surface waters of the Commonwealth, including municipal and nonmunicipal separate storm sewers.

Persons who have been issued an individual NPDES permit, who have separate stormwater outfalls not covered by the individual NPDES permit, may apply for and obtain coverage under this General Permit for the discharge from those stormwater outfalls. Upon reissuance or renewal of the individual NPDES permit, the stormwater outfalls will be authorized by the individual NPDES permit and coverage under this General Permit will cease.

The applicant must submit an NOI in accordance with the requirements of this General Permit, using an NOI form provided by DEP (or photocopy thereof), to be authorized to discharge under this General Permit.

DEP may deny coverage under this General Permit and require submittal of an application for an individual permit based on a review of the NOI or other information.

**NOTICE OF INTENT REQUIREMENTS**

**NOI Submittal for New Discharges**

New dischargers of stormwater which are eligible for coverage under this General Permit must submit an administratively complete and acceptable NOI at least 60 days prior to commencement of the industrial activity which will have a stormwater discharge. In the case of a transfer of a facility, either party to the transfer may request that the Department expedite the review of the NOI.

**Renewal of Coverage Under this General Permit**

Application for renewal of coverage under this General Permit must be submitted to DEP at least 180 days prior to the expiration date of the term of coverage under this General Permit (unless permission has been granted by DEP for submission at a later date).

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the approval or denial of the request for renewal of permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of this General Permit.

**Contents of Notice of Intent**

A request for renewal of coverage is to be made using the *Notice of Intent for Coverage Under the General Stormwater Permit for Discharges Associated with Industrial Activities* form (3800-PM-WSFR0083b). The NOI shall be signed in accordance with the signatory requirements of this General Permit and shall include the information specified on the NOI form.

**Where to Submit**

Each NOI is to be submitted to the appropriate regional office of DEP.

## DISCHARGES NOT AUTHORIZED BY THE STORMWATER GENERAL PERMIT

Stormwater discharges are not eligible for coverage under this General Permit when one or more of the following conditions exist:

1. The discharges contain toxic or hazardous pollutants, or any other substance which - because of its quantity, concentration, or physical, chemical or infectious characteristics - may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters;
2. The discharges individually or cumulatively have the potential to cause significant adverse environmental impact;
3. The discharges are to an "HQ" or "EV" Water under Chapter 93 of DEP's Rules and Regulations;
4. The discharges are not, or will not be in compliance with any of the terms or conditions of this General Permit;
5. The applicant has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP;
6. The discharges do not, or will not, result in compliance with an applicable effluent limitation or water quality standard;
7. The discharges are from activities which DEP determines require an individual permit to ensure compliance with the Clean Water Act, the Clean Streams Law, or rules and regulations promulgated thereto;
8. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
9. The discharges are mixed with sources of non-stormwater, other than non-stormwater discharges that are:
  - a. in compliance with a different NPDES permit; or
  - b. identified by and in compliance with Part C.1.a. (applicable non-stormwater discharges) of this General Permit.
10. The discharges are associated with an activity subject to existing effluent limitation guidelines addressing stormwater (or a combination of stormwater and process water)<sup>(1)</sup>;
11. The discharges are associated with an industrial activity from construction sites;
12. The discharges are associated with an activity that would adversely affect a listed endangered or threatened species or its habitat;
13. The discharges are associated with inactive mining, inactive landfills, or inactive oil and gas operations where an operator cannot be identified; and
14. The discharges are located at a facility where an NPDES permit has been terminated or denied.

## THE AUTHORITY GRANTED BY THIS GENERAL PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. DEP may require any person authorized to discharge under this General Permit to apply for and obtain an NPDES individual permit by notifying the permittee in writing that an individual permit application is required. If the discharge is to a water with an approved TMDL, DEP will require an individual permit for the discharge if DEP deems coverage under this General Permit inconsistent with the TMDL. Any interested person may petition DEP to take action under this paragraph. This notice shall include the following: (a) a brief statement of the reasons for this decision, (b) an application form, (c) a statement setting a 90 day deadline for the person to file the application, and (d) a statement that on the effective date of the individual permit coverage under this General Permit shall automatically terminate.

---

<sup>(1)</sup> For the purpose of this General Permit, the following effluent limitation guidelines address stormwater (or a combination of stormwater and process water): cement manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric generation (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); and asphalt emulsion (40 CFR 443 Subpart A). This General Permit may authorize stormwater discharges which are not subject to an effluent limitation guideline even where a different stormwater discharge at the facility is subject to an effluent limitation guideline.

The applicant shall submit the individual permit application within 90 days of receipt of notice. DEP may grant additional time to submit the application upon written request from the applicant. Timely submission of a complete application shall result in continuation of coverage under this General Permit, until such time as DEP takes final action on the pending individual permit application. If the person fails to submit, in a timely manner, an individual permit application required by DEP under this paragraph, then the applicability of this General Permit to the applicable activities is automatically terminated at the end of the day specified for application submittal.

2. Any person authorized to discharge by this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit. The owner or operator shall submit an individual permit application on approved Pennsylvania Individual NPDES application forms, with reasons supporting the request, to DEP.
3. When an individual permit is issued to a person otherwise subject to this General Permit, the applicability of this General Permit to the individual permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied to a person otherwise subject to this General Permit, the person may continue discharging if all eligibility requirements under this General Permit are met. If the person does not meet the eligibility requirements of this General Permit, or is otherwise prohibited from General Permit coverage, coverage under this General Permit is automatically terminated on the date of such denial, unless otherwise specified by DEP.
4. Issuance, Reissuance or Amendment of this General Permit:  
  
Unless extended by DEP, this General Permit will expire 5 years from the date of its issuance. DEP will publish a notice in the *Pennsylvania Bulletin* of the draft, renewed or reissued General Permit or of any amendments to this General Permit, and after a comment period, notice of the final, renewed, reissued or amended General Permit will be published in the *Pennsylvania Bulletin*. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit. If the permittee is unable to comply with the renewed, reissued or amended General Permit, the permittee must submit an application for an individual permit within 90 days of publication of the final General Permit.
5. Following the issuance of coverage under this General Permit, if a discharger encounters a condition(s) causing one or more of the prohibitions enumerated above in the section titled "Discharges Not Authorized by the Stormwater General Permit" to occur and does not provide a remedy to correct that condition, coverage under this General Permit may be revoked by written notification from the Department, and DEP may require the discharger to obtain an individual permit. Coverage under this General Permit shall be revoked if monitoring data indicates one or more toxic pollutants are, or are expected to be, discharged at the permitted facility. If there is evidence indicating potential or realized adverse impacts on water quality due to any stormwater discharge associated with an industrial activity covered by this General Permit, the permittee may be required to obtain an individual permit.
6. No condition of this General Permit shall release the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.

General Permit  
(PAG-03) Issued

By   
Director  
Bureau of Water Standards and Facility Regulation

Date December 5, 2010

Expires December 4, 2015

## PART A

### EFFLUENT LIMITATIONS, SELF-MONITORING AND REPORTING REQUIREMENTS

#### 1. Effluent Limitations

This General Permit establishes effluent limitations in the form of implemented Best Management Practices (BMPs) such as Preparedness, Prevention and Contingency (PPC) Plans, Erosion and Sedimentation Control Plans, and other industry-specific BMPs, which restrict the rates and quantities of pollutants discharged into surface waters of the Commonwealth.

All stormwater discharges must comply with applicable requirements established in Title 25 Pa. Code Chapters 91-96. Additionally, the permittee shall comply with all applicable industry specific effluent limits and BMPs described in Appendices A through L of this General Permit. In addition to the required industry-specific BMPs, DEP recommends that the permittee implement any of the applicable general BMPs detailed in Part A.1.b.

For all stormwater discharges covered under this General Permit, a water quality-based effluent limitation may be imposed under applicable state and federal law when necessary to ensure that the water quality standards of the receiving water are attained and maintained. Discharges of stormwater shall not result in a violation of the water quality criteria prescribed in Title 25 Pa. Code Chapters 16 and 93.

##### a. Applicability of Appendices A through M

The appendices of this General Permit are applicable to facilities with the Standard Industrial Classification (SIC) Codes detailed below. The permittee must comply with the requirements specified in any applicable appendix to the permittee's facility.

##### (1) Appendix A – SARA Title III, Section 313 Facilities

This appendix is applicable to facilities with the following SIC Codes if the facility is classified as a SARA Title III, Section 313 Facility: 226, 26 (not 265 and 267), 27, 28 (not 283), 29, 30, 311, 32 (not 323), 34, 35, 36, 37, 38, 39.

##### (2) Appendix B – Primary Metal Industry Facilities, SIC Code 33

##### (3) Appendix C – Land Disposal Units, Incinerators and Boilers and Industrial Furnaces (BIFs), SIC Code 4953

##### (4) Appendix D – Wood Treatment Facilities, SIC Code 2491

##### (5) Appendix E – Coal Storage Pile Runoff

##### (6) Appendix F – Battery Reclaimers, SIC Code 4953

##### (7) Appendix G – Airports, SIC Code 4581

For the purposes of this General Permit, DEP categorizes Appendix G into two sub-appendices based on the amount of de-icing chemical usage.

(a) Appendix G.1 – Large Airports – Large Airports are those that use 100,000 gallons or more of concentrated glycol-based de-icing chemicals or 100 tons or more of urea on an average annual basis.

(b) Appendix G.2 – Small Airports – Small Airports are those that use less than 100,000 gallons of concentrated glycol-based de-icing chemicals and less than 100 tons of urea on an average annual basis.

##### (8) Appendix H – Steam Electric Power Generating Facilities, SIC Code 4911



- (9) Appendix I – Animal Handling and Meat Packing Facilities, SIC Codes 2011, 2013, 2015
- (10) Appendix J – Additional Facilities

This appendix is applicable to facilities with the following SIC Codes: 10<sup>(2)</sup>, 12<sup>(2)</sup>, 13, 14, 20 (not 2011, 2013, 2015), 21, 22 (not 226), 23, 24 (not 2491), 25, 265, 267, 283, 31 (not 311 if the facility is classified as a SARA Title III, Section 313 Facility), 323, 40, 41, 42, 43, 44, 45 (not 4581), 4952, 4953, 5015, 5093.

This appendix is also applicable to facilities with the following SIC Codes if the facility is **NOT** classified as a SARA Title III, Section 313 Facility: 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38, 39. Appendix A is applicable to facilities classified as a SARA Title III, Section 313 Facilities.

- (11) Appendices K, L and M – Salt Storage Piles and Salt Distribution Stockpiles, Petroleum Marketing Terminals and Non-Classified Facilities

In addition to covering all stormwater discharges from industrial activities as defined by Federal Regulations, DEP will use this General Permit to cover stormwater discharges from exposed Salt Storage Piles and Salt Distribution Stockpiles, all Petroleum Marketing Terminals and all Non-Classified facilities. Appendix K is applicable to Salt Storage and Distribution Piles and Appendix L is applicable to Petroleum Marketing Terminals (SIC Code 5171), and Appendix M is applicable to Non-Classified Facilities.

#### **b. General Best Management Practices**

In addition to the required industry-specific BMPs detailed in the appendices, the permittee should implement any of the following general BMPs that are applicable to the permitted facility to further minimize pollution through stormwater.

##### **(1) Fueling Stations**

###### **(a) *Spill and Overflow***

- 1) Consider installing spill and overfill prevention equipment.
- 2) Discourage "topping off" of fuel tanks.

###### **(b) *Protection From Stormwater***

- 1) Reduce exposure of fuel area to stormwater.
- 2) Install oil/water separators or oil and grease traps in fueling area storm drains.
- 3) Clean oil/water separators or oil and grease traps frequently.

###### **(c) *Spills***

- 1) Use dry cleanup methods for the fuel area (i.e., damp cloth).
- 2) Use proper petroleum spill control.

###### **(d) *Employee Involvement***

- 1) Inform employees about ways to eliminate or reduce stormwater contamination.

<sup>(2)</sup> This General Permit is not applicable to discharges associated with industrial activities subject to existing effluent limitation guidelines addressing stormwater (or a combination of stormwater and process water). For the purpose of this General Permit, the following effluent limitation guidelines address stormwater (or a combination of stormwater and process water): cement manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); and asphalt emulsion (40 CFR 443 Subpart A). This General Permit may authorize stormwater discharges which are not subject to an effluent limitation guideline even where a different stormwater discharge at the facility is subject to an effluent limitation guideline.



2) Vehicle and Equipment Maintenance

(a) *Parts Cleaning*

- 1) Clean parts without using liquid cleaners.
- 2) Substitute hazardous materials and waste with non-hazardous or less hazardous materials.
- 3) Prevent spills and drips of solvents and cleansers to shop floor.
- 4) Do all liquid cleaning at a centralized station so solvents and residues stay in one area.

(b) *Work Area Cleaning*

- 1) Avoid hosing down work areas.
- 2) Collect leaking or dripping fluids in drip pans or containers. If different liquids are kept separate, the fluids are easier to recycle.
- 3) Keep a drip pan under the vehicle while unclipping hoses, unscrewing filters or removing other parts. Use a drip pan under any vehicle that might leak while you work on it to keep splatters or drips off the shop floor.
- 4) Promptly transfer used fluids to the proper waste or recycling drums. Do not leave full drip pans or other open containers lying around.

(c) *Spill and Materials Disposal*

- 1) Do not pour liquid waste to floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections.
- 2) Post signs at sinks to remind employees, and paint stencils at outdoor drains to tell customers and others, not to pour wastes down drains.

(d) *Oil Filters*

- 1) Do not dispose of oil filters in trash cans or dumpsters as they can leak and contaminate stormwater.
- 2) Place oil filters in a funnel over the waste oil recycling or disposal collection tank to drain excess oil before disposal.
- 3) Crush and recycle oil filters.

(e) *Incoming Vehicles and Equipment*

- 1) Park vehicles indoors or under a roof to prevent stormwater from contacting the area.
- 2) If vehicle is parked outdoors, watch them closely for leaks.
- 3) Put cans under leaks to collect fluids for proper recycling or disposal.
- 4) If vehicle is to be stored outdoors, oil and other fluids should be drained first.
- 5) Designate a special area to drain and replace motor oil, coolant and other fluids, where there are no connections to the storm drain or the sanitary sewer and drips and spills can be easily cleaned up.

(f) *Wrecked Vehicles*

- 1) Place drip pans under them immediately, even if fluids are assumed to have already leaked out.
- 2) Build a shed or temporary roof over areas where you park cars awaiting repairs or salvage, especially if handling wrecked vehicles.
- 3) Build a roof over vehicles kept for parts.
- 4) Drain all fluids, including air conditioner coolant, from wrecked vehicles and "part" cars.



- 5) Drain engines, transmission and other used parts.
- 6) Store all cracked batteries in a non-leaking secondary container.
- 7) Treat dropped batteries as if they are cracked.

(g) *Recycling*

- 1) Recycle degreasers.
- 2) Recycle used oil or oil filters.
- 3) Recycle antifreeze.
- 4) Recycle cleaning solutions.
- 5) Recycle automotive batteries.
- 6) Recycle hydraulic fluid.

(h) *Recycling Operations*

- 1) Least effort: Arrange for collection and transportation of car batteries, used oil and other fluids, cleaning solutions and degreasers to a commercial recycling facility. Separate wastes and store them until they are picked up by the recycling company.
- 2) Least effort: "Dirty" solvent can be reused. Presoak dirty parts in used solvent before cleaning the parts in fresh solvent.
- 3) Moderate effort: Used oil, antifreeze and cleaning solutions can be recycled on-site using a filtration system that removes impurities and allows the fluid to be reused.
- 4) Most effort: Install an on-site solvent recovery unit. If facility creates large volumes of used solvents, consider purchasing or leasing an on-site still to recover the solvent for reuse.

(i) *Other Options*

- 1) Reduce the number of different solvents used, making recycling easier and reducing hazardous waste management costs.
- 2) Separate wastes, reducing treatment costs. Keep hazardous and non-hazardous wastes separate, do not mix used oil and solvents, and keep chlorinated solvents separate from non-chlorinated solvents. Label everything properly.
- 3) Use recycled products, supporting the market for recycled materials.

(j) *Employee Involvement*

- 1) Get employees interested in reducing waste generation. Encourage helpful waste reduction suggestions. Discuss pollution prevention. Consider setting up an employee reward program to promote pollution prevention.

(3) *Painting Operations (including staining, varnishing and other chemical application activities)*

(a) *Protection From Stormwater*

- 1) Use tarps and vacuums to collect solid wastes produced by sanding or painting.
- 2) Dispose of collected wastes properly.

(b) *Sanding Wastes*

- 1) Avoid sanding in windy weather when possible.
- 2) Enclose outdoor sanding areas with tarps or plastic sheeting.
- 3) After sanding is complete, collect waste and dispose it properly.
- 4) Keep workshops clean of debris and grit so that the wind will not carry any waste into areas where it can contaminate stormwater.
- 5) Move the activity indoors if you can do so safely.



(c) *Before Painting*

- 1) Inspect the part or vehicle to be painted to ensure that it is dry, clean and rust free. Paint sticks to dry, clean surfaces, which in turn means a better, longer-lasting paint job.

(d) *Painting Equipment*

- 1) Use painting equipment that creates little waste.
- 2) Use spray equipment that delivers more paint to the target than conventional airless spray guns, resulting in less overspray: electrostatic spray equipment; air-atomized spray guns; high-volume/low-pressure spray guns; gravity-feed guns.

(e) *Equipment Training*

- 1) Provide operator training to employees, reducing overspray and minimizing the amount of paint solids that can contaminate stormwater.
- 2) Use correct spraying techniques such as avoiding spraying on windy days, and using a drop cloth or ground cloth to collect and dispose of overspray.

(f) *Recycling Options*

- 1) Least effort: Dirty solvent can be reused for cleaning dirty spray equipment and parts before equipment is cleaned in fresh solvent.
- 2) Give small amounts of left-over paint to the customer for touchup.
- 3) Moderate effort: Arrange for collection and transportation of paints, paint thinner or spent solvents to a commercial recycling facility.
- 4) Most effort: Install an on-site solvent recovery unit. If facility creates large volumes of used solvents, consider purchasing or leasing an on-site still to recover the solvent for reuse.

(g) *Other Options*

- 1) Reduce the number of different solvents used, making recycling easier and reducing hazardous waste management costs.
- 2) Separate wastes, reducing treatment costs. Keep hazardous and non-hazardous wastes separate, do not mix used oil and solvents, and keep chlorinated solvents separate from non-chlorinated solvents. Label everything properly.
- 3) Use recycled products, supporting the market for recycled materials.

4) *Vehicle and Equipment Washing*

(a) *Washing (general)*

- 1) Use phosphate-free biodegradable detergents.
- 2) Do not wash parts or equipment outside.
- 3) Do not wash parts or equipment over impervious surfaces that will wash directly into storm drains.
- 4) Do not wash parts or equipment over pervious ground, especially sandy soils, which can potentially pollute groundwater.

(b) *Washing (small parts)*

- 1) Washing of small parts and equipment should be done in a container where wash water can be collected and recycled or disposed of properly.

(c) *Washing (large parts)*



- 1) Designate a specific area for large equipment or vehicles that must be outside. This area should be bermed to collect the wastewater and graded to direct the wash water to a treatment facility.
  - 2) Consider filtering and recycling vehicle wash water. If recycling is not practical, the wastewater can be discharged to the sanitary sewer.
- 5) Loading and Unloading Materials
  - (a) *General BMPs*
    - 1) Contain leaks during transfer.
    - 2) Check equipment regularly for leaks.
    - 3) Limit exposure of material to rainfall.
    - 4) Prevent stormwater run-on.
- 6) Liquid Storage in Above-Ground Tanks
  - (a) *General BMPs*
    - 1) Comply with applicable state and federal laws.
    - 2) Properly train employees.
    - 3) Install safeguards against accidental releases.
    - 4) Routinely inspect tanks and equipment.
    - 5) Consider installing secondary containment.
- 7) Industrial Waste Management Areas and Outside Manufacturing
  - (a) *General BMPs*
    - 1) Conduct a waste reduction assessment.
    - 2) Institute industrial waste source reduction and recycling BMPs.
    - 3) Prevent runoff and run-on from contacting the waste management area.
    - 4) Minimize runoff from land application sites.
- 8) Outside Storage of Raw Materials, Byproducts, Finished Products or Deicing Salt
  - (a) *General BMPs*
    - 1) Cover or enclose materials.
- 9) Other BMPs
  - (a) *General BMPs*
    - 1) Develop erosion control plan.
    - 2) Where applicable, place concrete or non-metallic splash pads underneath all fire protection test drains, outside water faucets, downspouts and all other water discharge points, to reduce or eliminate soil erosion.
    - 3) Keep galvanized security fencing well maintained, including periodic painting or coating, to prevent rusting which releases zinc and other metals from the galvanized coating.
    - 4) Keep galvanized roof flashing and building gutters and downspouts in good repair, to minimize the discharge of zinc and other metals used in the galvanizing process.
    - 5) Sweep and/or clean the area immediately around the trash dumpsters every time the dumpster is unloaded, or every month, whichever occurs sooner.
    - 6) Clean out all storm water catch basins in parking lots, loading and unloading dock areas, and wherever chemicals, fuel, or raw materials are handled outside. Cleaning should be on a regular schedule, not to exceed one year between inspection and cleaning as required.

- 7) Clean out sediments and deposits in paved drainage ditches that convey stormwater off-site at least annually.
- 8) Make sure that vegetated drainage ditches and swales are properly seeded and any accumulated materials in them have been removed, on a yearly basis.
- 9) Provide stormwater training to all employees, regardless of whether or not they have any specific job functions that could affect the stormwater discharges.
- 10) Cover roll-off containers (i.e., dumpsters for trash, refuse, metal parts, manufacturing waste and so forth).
- 11) Remove all loose asphalt and concrete from road surfaces.

(b) *Wintertime BMPs*

- 1) Use rock salt, other de-icing materials, and traction-control substances specifically designed for roadway and walkway de-icing and traction control, such as commercial products.
- 2) Make sure all site-specific salt and de-icing material is properly stored (such as in weatherproof pails or garbage cans outside pedestrian doorways).
- 3) Use de-icing products and traction-control substances in accordance with the manufacturer's recommendations.
- 4) Maintain all de-icing and traction control equipment and spreaders in good working order, in accordance with the manufacturer's recommendations.
- 5) Use, as appropriate, the guidance and information available from the Salt Institute's Web site at <http://saltinstitute.org/> as it relates to wintertime roadway and walkway de-icing and traction control.

## 2. Monitoring Requirements

This General Permit establishes monitoring requirements for all categories of activities as set forth in Appendices A through L. DEP may require additional monitoring by the discharger.

### a. Limitations on Monitoring Requirements

- (1) The permittee is required to conduct sampling of its stormwater discharges in accordance with the applicable appendices included in the Authorization to Discharge under this General Permit except as provided in Part A.2.b. (annual inspections), A.2.c. (sampling requirements) and A.2.e. (sampling waiver). The permittee must report monitoring results and retain records in accordance with Part A.3. Monitoring records must be made available to any interested person upon request. All facilities shall use the *Annual Inspection Form* (3800-PM-WSFR0083v) available on DEP's Web site to conduct site compliance evaluations in accordance with Part C.3.c. (Comprehensive Site Compliance Evaluations and Recordkeeping) of this General Permit and the federal stormwater program implementation regulations set forth at 40 CFR Part 122.
- (2) DEP may require by written notice annual discharge sampling at any facility otherwise exempt from the sampling requirements contained in applicable appendices.

### b. Annual Inspections

- (1) Facilities subject to Appendix J may conduct annual inspections using the *Annual Inspection Form* (3800-PM-WSFR0083v) in lieu of annual monitoring for the parameters listed in Appendix J of this General Permit. Where annual inspections are conducted in lieu of annual monitoring, the permittee shall submit the *Annual Inspection Form* in accordance with Part A.3.b.
- (2) The annual inspection must identify area(s) contributing pollutant(s) to stormwater discharge(s) and evaluate whether measures to reduce pollutant loadings identified in a PPC Plan are properly implemented and result in anticipated reductions, or whether additional control measures are necessary. Any deficiencies found during the inspection shall be corrected in accordance with Part C.3.c.(2) of this General Permit.



**c. Sampling Requirements**

- (1) All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding storm did not yield a measurable discharge, or if the permittee is able to document that a less than 92-hour interval is representative for local storm events during the sample period.
- (2) Grab samples shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge and the discharger shall provide, using DEP's form *Additional Information for the Reporting of Stormwater Discharge Monitoring* (3800-PM-WSFR0083t), available on DEP's Web site, a description of why a grab sample during the first 30 minutes was impracticable.
- (3) Samples taken in compliance with the monitoring requirements specified above shall be taken from the discharge at **EACH** outfall except as specified in (4) below.
- (4) When a facility has two or more outfalls that, based on a consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)) shall be provided.

**d. Additional Information**

For each outfall, the permittee shall submit the additional information requested on DEP's form *Additional Information for the Reporting of Stormwater Discharge Monitoring*. This additional information shall be submitted with the *Discharge Monitoring Report* (DMR).

**e. Sampling Waiver**

When the discharger is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected. Adverse climatic conditions which may prohibit the collection of samples include weather that creates dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or similar events which otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). This information shall be submitted on DEP's form *Additional Information for the Reporting of Stormwater Discharge Monitoring*. In addition, a completed *Annual Inspection Form* shall also be submitted.

**f. Toxicity Testing**

DEP may, upon receiving a written notice, require the permittee to monitor for acute whole effluent toxicity in accordance with DEP protocols. DEP will provide said protocols upon request.

**3. Reporting and Recordkeeping**

**a. Failure to Certify**

Any new permittee that is unable to provide the certification required under Part C.3.a.(3) (testing for non-storm discharges) must notify DEP within 180 days of the effective date of this General Permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure for any test conducted for the presence of non-stormwater discharges; the results of such test or other relevant observations; potential sources of non-stormwater discharges to the storm sewer and; why adequate tests for such storm sewers were not feasible. Non-stormwater discharges to surface waters of the Commonwealth which are not authorized by other NPDES permits or which are not identified in Part C.1.a.(2)

of this permit are unlawful, and must be terminated until a permit is obtained from DEP.

**b. Reporting of Monitoring Results**

Monitoring results shall be summarized on a *Discharge Monitoring Report* (DMR) form and the *Additional Information for the Reporting of Stormwater Discharge Monitoring Form*. (The original forms are provided in the Notice of Intent package for use as a master. Make copies of them and use the copies to submit the required report.) A signed copy of the DMR Form and all other reports required herein shall be submitted to the appropriate DEP regional office.

Permittees shall report monitoring results in accordance with the following:

- (1) Permittees required to conduct semi-annual sampling shall submit monitoring results on a semi-annual basis, postmarked no later than 28 days after completion of the associated monitoring activities. The report shall contain results from the previous 6 months. A separate DMR form is required for each event monitored.
- (2) Permittees required to conduct annual sampling shall submit monitoring results on an annual basis, postmarked no later than 28 days after completion of the associated monitoring activities. The report shall contain results from the previous year. A separate DMR form is required for each event monitored.
- (3) Permittees required to do quarterly sampling shall submit monitoring results on a quarterly basis, postmarked no later than 28 days after the quarter ends. The report shall contain results for the previous quarter. A separate DMR form is required for each event monitored.
- (4) In addition, facilities with at least one stormwater discharge associated with industrial activity through a municipal separate storm sewer system must also submit signed copies of Annual Inspection Reports and DMRs (if applicable) to the operator of the municipal storm sewer system, postmarked no later than 28 days after completion of the associated monitoring activities.

Where an annual inspection is conducted in lieu of annual monitoring in accordance with Part A.2.b., the permittee shall submit a completed and signed *Annual Inspection Form*, postmarked no later than 28 days after completion of the associated inspection activities to the appropriate DEP regional office.

**c. Noncompliance Reporting**

- (1) **Required Reporting.** The permittee shall report noncompliance to DEP as follows:

- (a) **24-Hour Oral Reporting** - the permittee shall give at least a 24-hour advanced notice to DEP of any planned changes to the permitted activity or facility that may result in noncompliance with permit requirements. The permittee shall also report noncompliance with any term or condition of this General Permit, and any statute, rule or regulation, to DEP within 24 hours of becoming aware of the noncompliance.
- (b) **Follow-up Written Reporting** - where the permittee orally reports the noncompliance information, a written report outlining the same information must be completed, kept on file and submitted to DEP upon request.
- (c) Noncompliance reporting pursuant to paragraphs (a) and (b) shall not excuse a person from **IMMEDIATE** notification to DEP of incidents causing or threatening pollution pursuant to Title 25 Pa. Code §91.33(a).

- (2) **Required Information.** The reports and notifications required in Part A.3.c.(1) above shall contain the following information:

- (a) A description of the discharge and cause of noncompliance;



- (b) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
- (c) Steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

**d. Test Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or have been approved by DEP in writing.

**e. Recording of Results**

For each measurement or sample taken pursuant to the requirements of this General Permit, the permittee shall record the following information:

- (1) The date, exact place and time of sampling or measurements;
- (2) The duration (in hours) of the storm event(s) sampled;
- (3) Rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- (4) The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch) rainfall storm event;
- (5) An estimate of the total volume (in gallons) of the discharge sampled;
- (6) The initials or name(s) of the individual(s) who performed the sampling or measurements;
- (7) The date(s) analyses were performed;
- (8) The time(s) analyses were initiated;
- (9) The initials or name(s) of the individual(s) who performed the analyses;
- (10) References and written procedures, when available, for the analytical techniques or methods used; and
- (11) The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

**f. Retention of Records**

- (1) The permittee shall retain the PPC plan developed in accordance with Part C.3. (stormwater PPC Plans) of this General Permit until at least 1 year after coverage under this General Permit terminates. The permittee shall retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the Notice of Intent to be covered by this General Permit, until at least 1 year after coverage under this General Permit terminates. In addition, the permittee shall retain on the site, at all times, a complete copy of the NOI, this General Permit, and any authorizations received from DEP pursuant to this General Permit, until at least 1 year after coverage under this General Permit terminates. This period may be explicitly modified by alternative provisions of this General Permit (see paragraph A.3.f.(2) of this General Permit) or extended by request of DEP at any time.
- (2) For discharges subject to sampling requirements pursuant to Part A.2., in addition to the requirements of paragraph (1) above, permittees are required to retain for a 6-year period from the date of sample collection records of all monitoring information collected during the term of this General Permit. Permittees must submit such monitoring results to DEP upon request, and submit a summary of such results as part of permit renewal requirements in accordance with the instructions for completing and submitting a Notice of Intent.

## PART B

### STANDARD CONDITIONS

#### 1. Management Requirements

##### a. Permit Modification, Termination, or Revocation and Reissuance

- (1) This General Permit may be modified, terminated, revoked and reissued during its term in accordance with Title 25 Pa. Code Chapter 92a.

DEP may revoke, suspend or terminate previously issued coverage under this General NPDES Permit, and require the stormwater discharger to apply for and obtain an individual permit, in accordance with Title 25 Pa. Code §92a.54.

- (2) The filing of a request by the permittee for a permit or coverage modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- (3) Toxic Pollutants

- (a) Notwithstanding the above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or condition) is established under Section 307(a) of the Clean Water Act, 33 U.S.C. §1317(a), for a toxic pollutant that is present in the discharge, and such standard or prohibition is more stringent than any limitation for such pollutant in this General Permit, then this General Permit shall be modified or revoked and reissued by DEP to conform with the toxic effluent standard or prohibition and the permittee so notified.

- (b) In the absence of a DEP action to modify or to revoke and reissue this General Permit, any toxic effluent standard or prohibition established under Section 307(a) of the Clean Water Act 33 U.S.C. §1317(a) is considered to be effective and enforceable against the permittee.

- (4) Permit modification or revocation will be conducted according to Title 25 Pa. Code Chapter 92a.

##### b. Duty to Provide Information

- (1) The permittee shall furnish to DEP, within a reasonable time, any information that DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this General Permit or coverage approved under this General Permit, or to determine compliance with this General Permit.
- (2) The permittee shall furnish to DEP, upon request, copies of records required to be kept by this General Permit.
- (3) When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to DEP, the permittee shall promptly submit or correct such facts or information.
- (4) The permittee shall inform DEP of any planned physical alterations or additions to the permitted facility which could, in any way, substantially affect the quality and/or quantity of stormwater discharged from the facility and cause the facility to be ineligible for coverage under this General Permit. The permittee shall review, revise and implement the existing PPC Plan as needed.



**c. Signatory Requirements**

- (1) All reports required by this General Permit and other information requested by DEP shall be signed by a person described below or by a duly authorized representative of that person.
  - (a) *For individually owned operations* – the owner of the facility must sign the NOI.
  - (b) *For a Corporation* – by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NOI form originates.
  - (c) *For a Partnership or Sole Proprietorship* – by a general partner or the proprietor, respectively.
  - (d) *For a Municipality, State, Federal or Other Public Agency* – by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (1) the chief executive officer of the agency; or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).
- (2) A person is a duly authorized representative only if:
  - (a) The authorization is made in writing by a person described above and submitted to DEP with the reports.
  - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- (3) Changes in Authorization. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part B.1.c. must be submitted to DEP prior to or together with any reports, information or applications to be signed by an authorized representative.

**d. Transfer of Ownership or Control**

- (1) This General Permit is not transferable to any person except after compliance with the following conditions and after notice to DEP.
  - (a) In the event of any pending change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify DEP by letter of such pending change at least 30 days prior to the change in ownership or control.
  - (b) The letter shall be accompanied by the Notice of Intent, an Application for NPDES and WQM Permit Transfer (DEP Document #3800-PM-WSFR0041b) and a written agreement between the existing permittee and the new owner or operator stating that the existing permittee shall be liable for violations of the permit up to and until the date of coverage transfer and that the new owner or operator shall be liable for permit violations under the permit from that date on.
  - (c) The new permittee must be in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit.
  - (d) After receipt of the required documentation, DEP shall notify the existing permittee and the new owner or controller of its decision concerning approval of the transfer. Such requests shall be deemed approved unless DEP notifies the applicant otherwise within 30 days of receipt of the letter.

(2) DEP may require the new owner or operator to apply for and obtain an individual permit.

**e. Removed Substances**

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters or drinking water shall be managed and disposed of in accordance with the requirements of the Solid Waste Management Act, 35 P.S. §6018.101, *et seq.*, and in a manner such as to prevent any pollutant in such materials from adversely affecting human health and the environment.

**f. Facilities Construction, Operation and Maintenance**

The permittee shall design, build and at all times properly operate and maintain all facilities and systems of treatment and control, including Best Management Practices (BMPs) such as PPC Plans, Erosion and Sedimentation Control Plans, and any other stormwater pollution prevention or management plans, which are installed or used by the permittee to achieve compliance with the conditions of this General Permit. BMPs shall be designed, implemented and maintained to minimize or eliminate stormwater runoff. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of this General Permit.

**g. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit which has a reasonable likelihood of adversely affecting human health or the environment.

**h. Termination of Coverage**

(1) Notice of Termination. Where all stormwater discharges that are authorized by this General Permit are eliminated, the permittee may submit a letter that is signed in accordance with Part B.1.c. (signatory requirements) of this General Permit certifying that:

"Under penalty of law, I hereby certify that all stormwater discharges associated with industrial activity from the identified facility that are authorized by a NPDES General Permit have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge stormwater associated with industrial activity under the General Permit, and that discharging pollutants in stormwater associated with industrial activity to surface waters of the Commonwealth is unlawful under the Clean Water Act and the Clean Streams Law where the discharge is not authorized by an NPDES permit."

(2) Addresses. All letters certifying discharge termination are to be sent to the appropriate DEP regional office.

**2. Penalties and Liability**

**a. Violations of Permit Conditions**

Any person violating Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality who violates any provision of this General Permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603, and 605 of the Clean Streams Law.



**b. Falsifying Information**

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit; or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance),

shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 P.S. §4904 and 40 CFR 122.41(j)(5) and (k)(2).

**c. Liability**

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603, or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

**d. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**3. Other Responsibilities**

**a. Duty to Comply**

The permittee must comply with all terms and conditions of this General Permit. Any permit noncompliance constitutes a violation of the Pennsylvania Clean Streams Law and the federal Clean Water Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal.

**b. Property Rights**

The issuance of this General Permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**c. Severability**

The provisions of this General Permit are severable, and if any provision of this General Permit, or the application of any provision of this General Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this General Permit shall not be affected thereby.

**d. Other Laws**

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

**e. Right of Entry**

Pursuant to Sections 5(b) and 305 of the Pennsylvania Clean Streams Law (35 P.S. §§691.5(b) and 691.305)

and Title 25 Pa. Code Chapter 92, and §1917-A of the Administrative Code, the permittee shall allow an authorized representative of EPA, DEP, or, in the case of a facility which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents, as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this General Permit;
- (2) Have access to and copy at reasonable times, any records that must be kept under the terms and conditions of this General Permit;
- (3) Inspect any facilities or equipment (including monitoring and control equipment); and
- (4) Sample any discharge of stormwater.

**f. Requiring an Individual Permit**

- (1) DEP may require any person authorized to be covered under this General Permit to apply for and/or obtain an individual permit. In addition, any interested person may petition DEP to take action under this paragraph. DEP may require any person authorized to discharge under this General Permit to apply for an individual permit only after the person has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the person to file the application, and a statement that on the effective date of the individual permit, coverage under this General Permit shall automatically terminate. Individual permit applications shall be submitted within 90 days of notification from DEP to the address of the appropriate regional office. DEP may grant additional time to submit the application upon request of the applicant. If a person fails to submit a timely individual permit application as required by DEP, the authorization to discharge granted under this General Permit to such person is automatically terminated at the end of the day specified for application submittal.
- (2) Any person authorized to discharge under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit. The person shall submit an individual application (*NPDES Permit Application for New and Existing Industrial Dischargers* form (3800-PM-WSFR0008)) with reasons supporting the request to DEP. Individual permit applications shall be submitted to the address of the appropriate regional office of DEP. The request may be granted by the issuance of any individual permit if the reasons cited by the person are adequate to support the request.
- (3) When an individual permit is issued to a person otherwise subject to this General Permit, the applicability of this General Permit to the individual permittee is automatically terminated on the effective date of the individual permit. When an individual permit is denied to a person otherwise approved for coverage under this General Permit, the person can continue discharging if he meets all requirements under this General Permit.

**4. Definitions**

- a. "Applicant," "Discharger," "Permittee" refers to a person or organization that requests approval or has received authorization from DEP to perform a regulated activity.
- b. "Best Management Practices (BMPs)" refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution to the waters of the Commonwealth. BMPs include PPC Plans, Erosion and Sedimentation Control Plans, Stormwater Management Act Plans, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- c. "Coal Pile Runoff" means the rainfall runoff from or through any coal storage pile.
- d. "DEP" or "Department" refers to the Pennsylvania Department of Environmental Protection.



- e. "Diked Area" refers to the area included within the protective diking installed to prevent the release of substances to the environment, including tank storage areas.
- f. "Discharge" means the "discharge of a pollutant" when used without qualification.
- g. "Exposed" means that the industrial activities regulated by this General Permit are exposed to rain, snow, snowmelt and/or runoff.
- h. "Facility or Activity" means any NPDES point source or any other facility or activity including land or appurtenances thereto that is subject to regulation under the NPDES Program.
- i. "Grab Sample" means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not to exceed 15 minutes.
- j. "Hazardous Substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
- k. "Landfill" refers to an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well or waste pile.
- l. "Land Application Unit" refers to an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
- m. "Municipality" means any county, city, borough, town, township, school district, institution or any authority created by one or more of the foregoing.
- n. "NOI" refers to the Notice of Intent for coverage under the NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities.
- o. "Outfall or Point Source" means point source as defined by Title 25 Pa. Code §92.1 which is any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel, or other floating craft from which pollutants are or may be discharged.
- p. "Person" refers to any natural person, partnership, association, corporation, business organization, or any agency, instrumentality or entity of federal or state government. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment or both, the term "person" shall not exclude the members of an association and the directors, officers or agents of a corporation.
- q. "Petroleum" and "Petroleum Products" refers to gasoline, diesel fuel, aviation fuel, fuel oils, additives, petroleum lubricants, solvents, asphalt and related materials.
- r. "Pollutant" is defined in 40 CFR § 122.2. A partial listing from this definition includes dredged spoil, solid waste, garbage and sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial and municipal waste.
- s. "PPD or Preparedness, Prevention and Contingency Plan" means a plan developed in accordance with 25 Pa. Code Chapter 91 and DEP's *Guidelines for the Development and Implementation of Environmental Emergency Response Plan* in conjunction with *Supplemental Guidance for the Development and Implementation of Preparedness, Prevention and Contingency (PPC) Plans under the National Pollutant Discharge Elimination System (NPDES) Stormwater Permitting Program* (DEP ID 400-2200-001). Other plans such as Integrated Contingency Plan (ICP) and Spill Prevention Control and Countermeasure (SPCC) that include the provisions of the PPC Plan may be used in lieu of the PPC Plan.
- t. "Product Associated Areas" refers to storage tanks, diked areas, immediate access roads, and product handling, packaging, loading and unloading areas where there is potential for leaks and spills of petroleum products to occur.

- u. "Product-contaminated Stormwater Runoff" means stormwater that has come into contact with petroleum or petroleum products due to precipitation falling on, or flowing across, product-associated areas.
- v. "Runoff Coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.
- w. "Salt Storage and Distribution Pile Runoff" means the rainfall runoff from or through any salt storage/distribution pile.
- x. "SARA Title III, Section 313 Facility" refers to a facility that manufactures, imports, processes or otherwise uses toxic chemicals listed under 42 U.S.C. §11023(c) and which, pursuant to Section 313 of Title III of SARA, are required to report annually their releases of those chemicals to any environmental media. Facilities that meet all of the following criteria for a calendar year are subject to Title III reporting requirements for that calendar year:
  - (1) The facility has 10 or more full-time employees;
  - (2) The facility is in a SIC Code of 20 through 39;
  - (3) The facility manufactured (including imported), processed or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in 40 CFR §372.25.
- y. Section 313 Water Priority Chemical refers to a chemical or chemical categories which:
  - (1) Are listed at 40 CFR §372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
  - (2) Are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and
  - (3) Meet at least one of the following criteria:
    - (a) Are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
    - (b) Are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA and 40 CFR §116.4; or
    - (c) Are pollutants for which EPA has published acute or chronic water quality criteria.
- z. "Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
- aa. "Significant Spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR §§110.10 and 117.21) or Section 102 of CERCLA (see 40 CFR §302.4).
- bb. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- cc. "Stormwater Associated With Industrial Activity" means, for purposes of this General Permit, the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant into surface waters of the



Commonwealth. The term does not include discharges from facilities or activities excluded from the NPDES Program. For the categories of industries identified in subparagraphs (1) through (10) of this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material or by-products used or created by the facility; material handling sites; refuse sites, including trash transfer stations, waste drop-off sites and waste processing facilities; refuse sites used for the application or disposal of process wastewaters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. The following categories of facilities are considered to be engaging in "industrial activity":

- (1) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted as described under subsection 10 below);
- (2) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
- (3) Facilities classified as Standard Industrial Classifications 10 through 14 (Mineral Industry), including active or inactive mining operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator), and oil and gas exploration, production, processing, treatment operations, or transmission facilities, that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations. This category does not include: (1) stormwater discharges emanating from coal (anthracite and bituminous) mining activities subject to the effluent limits set forth in Title 25 Pa. Code Chapters 86-90, including discharges from coal mining activities that have obtained Stage II bond release pursuant to the standards set forth in Title 25 Pa. Code §86.174; (2) stormwater discharges emanating from surface noncoal mining activities subject to the effluent limitations set forth in Title 25 Pa. Code Chapter 77, including discharges from noncoal surface mines that have been released from reclamation requirements under the Noncoal Surface Mining Conservation and Reclamation Act and regulations promulgated thereto, after December 17, 1990; and (3) any other stormwater discharges from active and inactive coal mining activities and noncoal surface mining sites which are covered under an individual permit issued as part of a coal mining activity or noncoal surface mining permit in the Commonwealth;
- (4) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (5) Landfills, land application sites and open dumps, that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (6) Facilities involved in the recycling of materials, including metal scrapyards, recycling centers, scrap metal processors, battery reclaimers, salvage yards, automobile yards, and other automotive dismantlers and recyclers, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (7) Steam electric power generating facilities, including coal handling sites;
- (8) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport

de-icing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations and de-icing operations are associated with industrial activity;

- (9) Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 million gallons per day (mgd) or more, or required to have an approved pretreatment program under 40 CFR Part 403.
  - (10) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37, (except 373), 38, 39, and 4221-25.
- dd. "Surface Waters of the Commonwealth" refers to perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process, within or on the boundaries of this Commonwealth.
- ee. "Tank Bottom Water" means water which accumulates at the bottom of petroleum product storage tanks as a result of either condensate from the stored product or precipitation/infiltration around the roof cover perimeter seals and roof drains of storage tanks.
- ff. "Toxic Pollutant" means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, may, on the basis of information available to the Administrator or Department, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring.



## PART C

### OTHER REQUIREMENTS

#### 1. Applicability of Non-Stormwater Discharges

- a. Except as provided in paragraph C.1.a.(2) (below), all discharges covered by this General Permit shall be composed entirely of stormwater.
  - (1) Except as provided in paragraph C.1.a.(2), discharges of material other than stormwater must be in compliance with an NPDES permit (other than this General Permit) issued for the discharge.
  - (2) The following non-stormwater discharges may be authorized by this General Permit provided the non-stormwater component of the discharge is in compliance with paragraph C.3.a.(3): discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate and other uncontaminated condensate resulting from the condensing of atmospheric moisture unto cool or cold surfaces (such as the discharge of thawed condensate from the surface of liquid nitrogen or oxygen tanks; springs; uncontaminated groundwater; foundation or footing drains where flows are not contaminated with process materials such as solvents; and incidental windblown mist from cooling towers that collects on roof tops or adjacent portions of the facility, but not incidental discharge from cooling towers.

#### 2. Hazardous Substances or Oil Releases in Excess of Reportable Quantities (RQs)

- a. The discharge of toxic substances, hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable PPC Plan for the facility. This General Permit does not relieve the permittee of the reporting requirements of 40 CFR Parts 117 and 302 or Title 25 Pa. Code §91.33. Except as provided in paragraph C.2.b. below, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR Parts 117 or 302 occurs during a 24-hour period:
  - (1) The permittee is required to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR Parts 117 and 302 as soon as he or she has knowledge of the discharge;
  - (2) The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with paragraph C.2.a.(3) (below) to the appropriate DEP regional office.
  - (3) The PPC Plan required under Part C.3. of this General Permit must be modified within 14 calendar days of knowledge of the release to provide a description of the release, the circumstances leading to the release and the date of the release. In addition, the PPC Plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the PPC Plan must be modified where appropriate; and
  - (4) If the release is an incident causing or threatening pollution, it must be reported to DEP **IMMEDIATELY** pursuant to Title 25 Pa. Code §91.33, and action must be taken to prevent injury to downstream users and to protect waters of the Commonwealth from pollution.

#### b. Multiple Anticipated Discharges

Facilities which have more than one anticipated discharge per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR Parts 110, 117 or 302, which occurs during a 24-hour period, where the discharge is caused by events occurring within the

scope of the relevant operating system shall:

- (1) submit notifications in accordance with Part C.2.a.(2) (above) for the first such release that occurs during a calendar year (or for the first year of this General Permit, after submittal of an NOI);
- (2) provide in the PPC Plan required under Part C.3. a written description of the dates on which such releases occurred, the type and estimate of the amount of material released, and the circumstances leading to the release. In addition, the PPC Plan must be reviewed to identify measures to prevent or minimize such releases and the plan must be modified where appropriate; and
- (3) the release shall be reported and abated **IMMEDIATELY** if it is an incident causing or threatening pollution pursuant to Title 25 Pa. Code §91.33.

**c. Spills**

This General Permit does not authorize the discharge of any toxic or hazardous substances or oil resulting from an on-site spill.

**3. Preparedness, Prevention and Contingency Plans**

**a. Development of Stormwater Pollution Control Plan**

In addition to the BMPs referenced in Part A of this General Permit and applicable appendix, persons subject to this General Permit shall also have developed a Preparedness, Prevention and Contingency (PPC) Plan in accordance with Title 25 Pa. Code Chapter 91 and DEP's *Guidelines for the Development and Implementation of Environmental Emergency Response Plans* in conjunction with *Supplemental Guidance for the Development and Implementation of Preparedness, Prevention and Contingency (PPC) Plans under the National Pollutant Discharge Elimination System NPDES Stormwater Permitting Program*. The PPC Plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the PPC Plan shall describe the implementation of practices which are to be used to reduce the pollutants in stormwater discharges at the facility ensuring compliance with the terms and conditions of this General Permit. The PPC Plan shall also include:

**(1) Stormwater Management Practices**

The PPC Plan shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the source of pollutants) and the use of BMPs to control stormwater runoff and prevent stormwater pollution. Based on an assessment of the potential of various sources at the plant to contribute pollutants to stormwater discharges, the PPC Plan shall set forth measures determined to be reasonable and appropriate which shall be implemented and maintained.

**(2) Sediment and Erosion Prevention**

The PPC Plan shall identify areas which, due to topography, activities or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion. Sediment and Erosion prevention and control measures should be developed and implemented in accordance with Title 25 Pa. Code Chapter 102 and the technical guidance document *Erosion and Sediment Pollution Control Manual* (DEP ID: 363-2134-008).

**(3) Non-Stormwater Discharges**

- (a) The PPC Plan shall contain a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The PPC Plan can be certified by an operator of the facility who is knowledgeable of the existing sources of non-stormwater discharges at the facility. The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-



stormwater discharges, the evaluation criteria or testing methods used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the stormwater discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the PPC Plan shall indicate why the certification required by this part was not feasible. A discharger that is unable to provide the certification required by this part must notify DEP in accordance with Part A.3.a. of this General Permit.

- (b) Except for flows from fire fighting activities, sources of non-stormwater listed in Part C.1.a.2. (authorized non-stormwater discharges) of this General Permit that are combined with stormwater discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.
- (4) Special Requirements for SARA Title III, Section 313 Facilities
- (a) Facilities subject to SARA Title III, Section 313 shall include in the PPC Plan a description of releases to land or water of Section 313 water priority chemicals that have occurred at any time after the date of 3 years prior to the reissuance of this General Permit. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with stormwater; and history of significant leaks or spills of toxic or hazardous pollutants.
  - (b) Engineering Certification – No stormwater PPC Plan for facilities subject to SARA Title III, Section 313 requirements for chemicals which are classified as "Section 313 water priority chemicals" shall be effective to satisfy the requirements of Part C.3. of this General Permit unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. A Registered Professional Engineer shall recertify the PPC Plan every year thereafter. This certification may be combined with the required annual certification described in Part C.3.c. By means of these certifications, the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the stormwater PPC Plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the owner or operator of a facility covered by the PPC Plan of their duty to prepare and fully implement such Plan.

**b. Departmental Review and Compliance Schedule Requirements**

- (1) The PPC Plan shall be signed in accordance with Part B.1.c. of this General Permit. This plan shall be maintained on-site at all times and shall be made available for review by DEP, or its authorized representative, or in the case of a stormwater discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system. PPC Plans shall be prepared and implemented prior to submitting an NOI to obtain coverage under this General Permit.
- (2) If the PPC Plan is reviewed by DEP or its authorized representative, the permittee may be notified at any time that the plan does not meet one or more of the PPC Plan requirements. After such notification from DEP or its authorized representative, the permittee shall make changes to the plan and shall submit to DEP a written certification that the requested changes have been made. Unless otherwise directed, the permittee shall have 30 days after such notification to make the necessary changes.

**c. Comprehensive Site Compliance Evaluations and Recordkeeping**

Qualified personnel shall conduct site compliance evaluations using the *Annual Inspection Form* at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall

provide:

- (1) Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed. Structural stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
- (2) Based on the results of the inspection, the description of potential pollutant sources identified in the PPC Plan and pollution prevention measures and controls identified in the plan shall be revised as appropriate within 15 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

**d. Consistency with Other Plans**

PPC Plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the Clean Water Act or BMPs otherwise required by an NPDES permit for the facility as long as such requirement is incorporated into the plan.

**e. Facility Security**

Facilities shall have the necessary security systems to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants to surface waters of the Commonwealth. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

**f. Training**

Facility employees shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the PPC Plan and the particular features of the facility and its operation. Where applicable, the plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractors or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

**g. Plan Update**

The permittee shall periodically review and amend the PPC Plan.

This must also occur when:

- (1) Applicable DEP or federal regulations are revised, or this General Permit is revised;
- (2) The PPC Plan fails in an emergency;
- (3) There is a change in design, industrial process, operation, maintenance, or other circumstances, in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency;
- (4) The list of emergency coordinators or equipment changes; or
- (5) As otherwise required by DEP.



**4. Discharges to Municipal Separate Storm Sewers**

- a. Permittees with at least one stormwater discharge to a municipal separate storm sewer system must submit signed copies of the Annual Inspection Reports and DMRs (if applicable) to the operator of the municipal separate storm sewer system in accordance with Part A.3.b.
- b. Persons covered by this General Permit must, in addition to the requirements of this General Permit, comply with applicable requirements in municipal stormwater management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the discharger has been notified of such conditions.

**5. Reopener Clause**

If there is evidence indicating potential or realized adverse impacts on water quality due to any stormwater discharge covered by this General Permit, the owner or operator of such discharge may be required to obtain an individual permit or the General Permit may be modified to include revised limitations and/or requirements.

General Permit modification or revocation will be conducted in accordance with Title 25 Pa. Code Chapter 92.

**6. Certification**

Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## APPENDIX C

### LAND DISPOSAL UNITS, INCINERATORS AND BIFs

#### I. APPLICABILITY

This appendix is applicable to land disposal units, incinerators and BIFs with Standard Industrial Classification (SIC) Code 4953.

#### II. MONITORING REQUIREMENTS

Facilities with stormwater discharges from any active or inactive landfill, land application site or open dump without a stabilized final cover that has received any industrial waste (other than waste from construction site); and incinerators (including BIFs) that burn hazardous waste and operate under the interim status or a permit under Subtitle C of RCRA, must monitor and report monitoring results for the water quality parameters listed below in accordance with Part A of this General Permit. The measurement frequencies listed below are the minimum required by DEP. Additional sampling is optional.

DISCHARGE PARAMETER	UNITS	SAMPLE TYPE	MEASUREMENT FREQUENCY
pH	S.U.	1 Grab	1/6 months
Total Dissolved Solids (TDS)	mg/L	1 Grab	1/6 months
Total Organic Carbon (TOC)	mg/L	1 Grab	1/6 months
Barium (Total)	mg/L	1 Grab	1/6 months
Cadmium (Total)	mg/L	1 Grab	1/6 months
Chromium (Total)	mg/L	1 Grab	1/6 months
Lead (Total)	mg/L	1 Grab	1/6 months
Mercury (Total)	mg/L	1 Grab	1/6 months
Magnesium (Total)	mg/L	1 Grab	1/6 months
Magnesium (Dissolved)	mg/L	1 Grab	1/6 months
Selenium (Total)	mg/L	1 Grab	1/6 months
Silver (Total)	mg/L	1 Grab	1/6 months
Arsenic (Total)	mg/L	1 Grab	1/6 months
Cyanide (Total)	mg/L	1 Grab	1/6 months
Iron (Total)	mg/L	1 Grab	1/6 months

Except as provided in Parts A.2.a. and A.2.c. of this General Permit, the permittee must report monitoring results and retain records in accordance with Part A.3. Monitoring records must be made available to interested persons upon request.

#### III. SPECIFIC BEST MANAGEMENT PRACTICES (BMPs)

The permittee shall implement at least all of the following BMPs that are applicable to the processes in place at the facility for which coverage under this General Permit is granted. The permittee should also consider implementing the general BMPs outlined in Part A of this General Permit.

##### A. BMPs applicable to facilities with SIC Code 4953:

1. Ensure secondary containment and leak detection for all liquid waste and raw material storage tanks.
2. Wherever feasible, conduct waste and raw material loading, transfer and unloading activities in enclosed, covered areas; collect and separately manage runoff from these areas.
3. Inspect and maintain the integrity of all containers used to store hazardous materials; store containers in areas with secondary containment.
4. Ensure segregation of landfill leachate and stormwater drainage from landfills.
5. Install temporary, intermediate and final covers as required by solid waste permits.
6. Provide for run-on controls for landfills and land application sites.



7. Design covers to minimize erosion and wind entrainment.
8. Operate land application sites in accordance with permitted land application rates; do not over apply leachate to saturated soils.
9. Perform vehicle washing in dedicated areas (indoors wherever possible). Collect and manage wash water separately from storm drainage.



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**ADDITIONAL INFORMATION  
FOR THE REPORTING OF STORM WATER DISCHARGE MONITORING**

*(This form must be completed and submitted with the DMR form for each outfall sampled)*

A. PERMITTEE'S NAME  Lyondell Environmental Custodial Trust		OUTFALL/DISCHARGE NO.  
FACILITY/LOCATION  Former Lyondell Chemicals Company Beaver Valley Plant, Potter Township, Beaver County		
B. SAMPLED STORM EVENT		
Provide the date of storm event:	Provide the duration (in hours) of storm event:	
Estimate rainfall measurements (in inches) of the storm which generated the sample runoff:	Estimate the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch) storm event:	
Drainage area and volume of runoff:  (1) Paved area _____ square feet x 0.9 (estimated runoff coefficient) x rainfall _____ inches x 0.6234 = _____ gallons (2) Unpaved area _____ square feet x 0.5 (estimated runoff coefficient) x rainfall _____ inches x 0.6234 = _____ gallons  Total area _____ square feet                      Total volume of discharge _____ gallons		
C. GRAB SAMPLE METHODOLOGY		
If a grab sample during the first 30 minutes of the discharge was impracticable, and the sample was instead taken during the first hour of the discharge, describe the circumstances:          		
D. SAMPLE WAIVER		
If samples could not be collected due to adverse climactic conditions, describe why samples could not be collected. Attach available documentation of the event.          		
If monitoring data submitted is being used to represent other substantially identical outfalls, summarize on a separate sheet the drainage area and volume of runoff under item B. above for each outfall.		





pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Permittee Name/Address

(Include Facility Name/Location, if different.)

Name Lyondell Environmental Custodial Trust

Address 35 East Wacker Drive

Chicago, IL 60601

Former Lyondell Chemicals Company

Beaver Valley Plant

Potters Township

Beaver County

Watershed 20-B

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

## DISCHARGE MONITORING REPORT (DMR)

Reporting Frequency:  
DMR Effective From:  
DMR Effective To:

Semiannual

Permit Effective Date

Permit Expiration Date

Permit Expires:

FEB 21 2018

Permit Application Due:

AUG 21 2017

☐ Check here if No Discharge

Note: Read Instructions before completing this form.

PAR236135 Permit Number		Discharge Number	
From	To	Monitoring Period	
Year	Mo	Day	Year
			Mo
			Day

Parameter	Sample Measurement Permit Requirement	Quantity or Loading		Quality or Concentration			No. Ex	Frequency of Analysis	Sample Type
		Average	Maximum	Units	Minimum	Average			
Total Dissolved Solids (TDS)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Lead (Total)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Total Organic Carbon (TOC)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Chromium (Total)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Barium (Total)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Cadmium (Total)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Mercury (Total)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Magnesium (Total)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab
Selenium (Total)	Sample Measurement	****	****	****	****	****			
	Permit Requirement	****	****	****	****	REPORT		1/6 Months	Grab

Permittee Name/Address  
(Include Facility Name/Location, if different.)  
Name Lyondell Environmental Custodial Trust  
Address 35 East Wacker Drive  
Chicago, IL 60601  
Former Lyondell Chemicals Company  
Beaver Valley Plant  
Potter Township  
Beaver County  
Watershed 20-B

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
DISCHARGE MONITORING REPORT (DMR)

PAR236135 Permit Number		Discharge Number	
From	To	Monitoring Period	
Year	Mo	Day	
Year	Mo	Day	

Reporting Frequency: Semiannual  
DMR Effective From: Permit Effective Date  
DMR Effective To: Permit Expiration Date

Permit Expires: **FEB 21 2018**  
Permit Application Due: **AUG 29 2017**  
☐ Check here if No Discharge

Note: Read Instructions before completing this form.

Parameter	Quantity or Loading		Quality or Concentration		Units	No. Ex	Frequency of Analysis	Sample Type
	Average	Maximum	Minimum	Average				
Silver (Total)	Sample Measurement	****	****	****	mg/L			
	Requirement	****	****	****	REPORT		1/6 Months	Grab
Arsenic (Total)	Sample Measurement	****	****	****	mg/L			
	Requirement	****	****	****	REPORT		1/6 Months	Grab
Cyanide (Total)	Sample Measurement	****	****	****	mg/L			
	Requirement	****	****	****	REPORT		1/6 Months	Grab
Iron (Total)	Sample Measurement	****	****	****	mg/L			
	Requirement	****	****	****	REPORT		1/6 Months	Grab
Magnesium (Dissolved)	Sample Measurement	****	****	****	mg/L			
	Requirement	****	****	****	REPORT		1/6 Months	Grab
pH	Sample Measurement	****	****	****	Std. Unit			
	Requirement	****	****	****	REPORT		1/6 Months	Grab
Name/Title Principal Executive Officer					Telephone		Date	
Typed or Printed					Area Code & Number		Year Mo Day	
Comments and Explanation of Any Violations (Reference all attachments here.)					Signature of Principal Executive Officer or Authorized Agent			

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information. The information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. See 18 Pa. C.S. §4904 (relating to unsworn falsification).





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**DISCHARGE MONITORING REPORTS (DMRs)  
GENERAL INSTRUCTIONS**

**NOTE: The "Additional Information for the Reporting of Stormwater Discharge Monitoring" form (3800-PM-WSFR0083t) must accompany each DMR form.**

The following general instructions are for completing the Discharge Monitoring Report (DMR) forms.

1. If the form has been partially completed by pre-printing, disregard instructions directed at entry of that information already pre-printed.
2. Enter "Permittee Name/Mailing Address (and facility name/location, if different)," "Permit Number," and "Discharge Number" where indicated. (A separate form is required for each discharge.)
3. Enter dates beginning and ending "Monitoring Period" covered by form where indicated.
4. Enter each "Parameter" as specified in monitoring requirements of the permit.
5. Enter "Sample Measurement" data for each parameter under "Quantity" and "Quality" in measurement units specified in the permit. When only one sample is taken during the monitoring period, report all "Quality or Concentration" results under maximum. When more than one sample is taken, report minimum, average and maximum values. "Average" is normally arithmetic average (geometric average for bacterial parameters) of all sample measurements for each parameter obtained during "Monitoring Period"; "Maximum" and "Minimum" are normally extreme high and low measurements obtained during "Monitoring Period."
6. Enter "Permit Requirement" for each parameter under "Quantity" and "Quality" as specified in the permit.
7. Under "No Ex" enter number of sample measurements during monitoring period that exceeded permit requirement for each parameter. If none, enter "0."
8. Enter "Frequency of Analysis" both as "Sample Measurement" (actual frequency of sampling and analysis used during monitoring period) and as "Permit Requirement" specified in the permit, (e.g., enter "Cont" for continuous monitoring, "1/7" for one day per week, "1/30" for one day per month, "1/90" for one day per quarter, etc.).
9. Enter "Sample Type" both as "Sample Measurement" (actual sample type used during monitoring period) and as "Permit Requirement," (e.g., enter "Grab" for individual sample, "24HC" for 24-hour composite, "Cont" for continuous monitoring, etc.).
10. Where violations of permit requirements are reported, attach a brief explanation to describe the cause(s) and corrective actions taken, and reference each violation by date.
11. Enter "Name/Title of Principal Executive Officer" with "Signature of Principal Executive Officer or Authorized Agent," "Telephone Number," and "Date" at bottom of form.
12. Mail signed report to office(s) by time(s) specified in the permit. Retain copy for your records.
13. More detailed instructions for use of this Discharge Monitoring Report (DMR) form may be obtained from office(s) specified in the permit.
14. THE FORM MAY NOT BE ALTERED IN ANY MANNER.

[illegible]

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Phone: \_\_\_\_\_

**Signature of Principal Executive Officer or  
Authorized Agent**

Date: \_\_\_\_\_

<sup>1</sup> Submit this form with the first Discharge Monitoring Report (DMR) or Annual Report, where sample results are submitted to the Department for compliance purposes. You do not need to send this form to the Department again UNLESS there has been a change to the lab(s), parameter(s) or method(s) of analysis.

<sup>2</sup> For parameter(s) covered under accreditation-by-rule, submit the lab's registration number in lieu of an accreditation number.